IOWA BIOGRAPHICAL SERIES

WILLIAM PETERS HEPBURN

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IOWA BIOGRAPHICAL SERIES

EDITED BY BENJAMIN F. SHAMBAUGH

WILLIAM PETERS HEPBURN

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From a Photograph taken in 1913
at the age of eighty

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WILLIAM PETERS HEPBURN

BY

JOHN ELY BRIGGS

THE STATE HISTORICAL SOCIETY OF IOWA

IOWA CITY IOWA 1919

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EDITOR'S INTRODUCTION

It is Colonel William P. Hepburn's connection with the constructive legislation and politics of the period from 1881 to 1909 that more than anything else entitles him to recognition in the *Iowa Biographical Series*. He is typical of the practical statesmen contributed by Iowa to the Nation during the half century following the Civil War.

Benj. F. Shambaugh

Office of the Superintendent and Editor
The State Historical Society of Iowa
Iowa City Iowa

AUTHOR'S PREFACE

The author counts it a rare privilege to have had the opportunity of writing the biography of a man so sterling in character and so rugged in personality, whose public career is a record of constructive achievement. It is hoped that in the pages which follow, the spirit of the man has been reflected as faithfully as his deeds have been recounted.

The most important years of Colonel Hepburn's public life were those during which he was a member of Congress; and it is his own estimate that the *Congressional Record* contains everything worth while that he ever did. The debates in Congress and committee reports have, indeed, furnished most of the material on his attitude in regard to public questions. Frequent quotations have been made to lend an air of reality and contemporaneousness to the narrative and to make the personality and character of the man more vivid — though the written words lose much of their force without the strong voice, the fiery eye, and the emphatic gesture that accompanied their utterance. If

it appears that the well-rounded phrases and carefully balanced sentences of finished oratory are lacking, it should be remembered that all of his remarks in Congress were extemporaneous. He never printed a speech in the *Congressional Record* that was not delivered on the floor of the House, and very rarely if ever did he extend or amplify his remarks in the *Record.*

Newspapers have been consulted extensively for information concerning political campaigns and the attitude of the public. A long biographical sketch written by Fred Davis and published in *The Sioux City Journal* on November 9, 1913, the data for which was supplied by the Colonel himself, contains information not elsewhere available. Of his services in the Union army the *Rebellion Record* furnishes indispensable data. A great many personal letters, typewritten and printed documents, newspaper clippings, and other papers which have been preserved form another important source.

To Mrs. William P. Hepburn and Mrs. Margaret Hepburn Chamberlain, the writer is indebted for valuable material that was used in the preparation of this book, for contributing much personal information particularly on the ancestry and youth of Colonel Hepburn, and

for carefully reading the manuscript. The work was undertaken at the suggestion of Dr. Benj. F. Shambaugh who not only edited the manuscript but offered encouragement while it was being written. The author is under obligations to his wife for assistance in revising the first draft. Acknowledgements are also due to Dr. Ruth A. Gallaher for many timely criticisms and to Miss Helen Otto who assisted in the verification of the manuscript.

JOHN ELY BRIGGS

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

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I

The Beginning

The year 1833 had nearly completed its cycle when on the fourth of November a boy, whom his mother named William Peters,[1] was born into the Hepburn family at Wellsville, Ohio. It is recorded that some United States dragoons, who had passed through Wellsville in August of that year, were not pleased with the smoky atmosphere which seemed to lend an appearance of gloom and wretchedness to the place: they did not appreciate the possibilities of a town which boasted of the best boat-landing on the Ohio River — that great highway of commerce and the thoroughfare for explorers, pioneers, soldiers, and builders of commonwealths in the West. If the dragoons could have glimpsed the future, the smoke would have seemed prophetic of an industrial achievement which was to become so powerful in later days as to match strength with the nation itself. Across the river lay the hills of Virginia — a land of bondage. Such was the first environment of one destined to follow the river away to the frontier, to fight for the freedom of

a race, and to hold a high place in the councils of his country as it grappled with the problems of big business.[2]

Crudely constructed with the tools and material at hand, the house in which the Hepburns lived at Wellsville was probably not unlike many another to be found among the settlements which sprang up in the woods and along the streams of the Ohio Valley. Doubtless during the cold winter months that followed the fall of 1833 the boy's mother and grandmother were at some pains to keep out the icy winds which whistled about the gables and threatened to nip the tender skin of the little one within. But it was not in the Scotch and Irish nature of the boy to succumb to inclement weather: the blood that stirred in his veins was the blood of generations of soldiers and pioneers.

As William grew and came to understand what he was told, his mother and grandmother no doubt talked to him of his father and related tales from their own eventful lives. They told the boy that his father, James S. Hepburn, had died of a fearful disease called cholera in far away New Orleans nearly six months before he, William, was born. William's sister Fannie remembered the sunny smile of their father and his gaiety when he played with his children. He was born, they said, on the Bowery in New York City on the first day of the nineteenth

century. When a lad only fourteen years of age he was sent to the military academy at West Point to be trained as a soldier; and there, five years later, he graduated, ranking seventeenth in a class of twenty-nine.

As a second lieutenant of artillery James S. Hepburn had seen service in many parts of the country, being stationed at one time in Florida, and again at Old Fort Pitt. It was at Fort Pitt in 1822 that he had married William's mother, the beautiful sixteen year old daughter of Hanson Catlett, an army surgeon who had sailed against the Barbary pirates and fought in the Indian wars.[3]

Sometimes in the evening when William climbed into his grandmother's lap she would tell the story of her wedding journey on horseback all the way from Louisville, Kentucky, to St. Louis where her husband inspected the Lewis and Clark Expedition in 1804. Or perchance she would relate a tale of fine ladies, of whom she herself — Minerva Lyon Catlett, the daughter of Matthew Lyon and wife of Hanson Catlett — was one of the most popular in the national capital when James Madison was President; and she would show her grandson a silver spoon, the exact counterpart of the set she had helped Dolly Madison select for the White House after the fire in 1814.

Again grandmother Catlett must have told

William that his mother had been born at Fort Washington on the Potomac River and had been named Ann Fairfax Catlett in honor of her aunt Ann Fairfax, daughter of Bryan Fairfax, the friend of George Washington; and how as a child little Miss Catlett had been taken on long trips through the forests, had learned in St. Louis to speak French before she knew English, had been trained in convent schools, and when the Americans were routed at Bladensburg and the city of Washington was burned by the British in 1814 she had been left in a closet by her schoolmistress all one night and a day.[4]

Perhaps there were also stories, dimly remembered, of a great grandfather, Matthew Lyon, who when only a boy of fifteen ran away from his home in Ireland and came to America. In the Revolutionary War he had fought with Ethan Allen and the Green Mountain boys of Vermont. For ten years a member of the legislature of Vermont his services during the formative years of that State were second only to those of the first Governor, Thomas Chittenden, whose daughter he married. Not satisfied with the life of a politician alone, Matthew Lyon had founded the town of Fair Haven, Vermont; erected there some iron works; built paper and grist mills; and established a newspaper in opposition to the Federalists.

Later Matthew Lyon had been sent to Congress — two terms as a representative of Vermont and four terms by a Kentucky constituency. Thrown into prison upon a charge of contempt for President John Adams, he was vindicated by being reëlected to Congress while still in jail. Just before he died in his seventy-third year, after completing a journey of over three thousand miles alone through the forests and on the rivers of the Southwest, he was elected Delegate to Congress from the Territory of Arkansas.[5]

As the years went by William Hepburn developed into a slender lad. He grew accustomed to the rugged hills and the great river flowing away to the south. Through the fog that hung over the water in the morning he often heard the shouts of the river men on the boats that plied the stream, laden with grain and produce for the eastern markets. Many of the barges belonged to his step-father, George S. Hampton, a prosperous commission merchant in Wellsville. Occasionally William was permitted to go down to the landing where he made the acquaintance of the rough, good-natured boatmen. From them he learned the lore of the river. He listened with bated breath to the pathetic story of Logan, the famous old Mingo chieftain whose brother, sister, and mother had all been killed by the white men

just over the hills near the mouth of Yellow Creek. And his eyes would flash with sympathy as he listened to the story of Chief Logan's eloquent message to Lord Dunmore. There was one, like many another schoolboy since, to "mourn for Logan".[6]

When the country was gripped by the money stringency in 1837, followed by the failure of crops in 1838, George S. Hampton found his commission business ruined. He thereupon decided to emigrate to Iowa and try his hand at farming. Having purchased for ninety dollars a half section of land near Iowa City, the new capital of the Territory of Iowa, he sent his brother-in-law, Columbus Catlett, to bring the family, including Mrs. Hanson Catlett, to the new home. Early in the spring of 1841 they set out on board a steamboat down the Ohio River bound for a distant land.

Many weary days ensued. For William the monotony of the limited attractions on the boat was relieved by the sights along the shore. Gradually the familiar hills gave way to broad flat reaches of country, while the forests of Ohio and Indiana were forgotten in the view of the sky-bounded prairies of southern Illinois. Old landmarks were pointed out to the eager boy by his mother and grandmother. Past Wheeling, Marietta, Cincinnati, Louisville, and numberless sandbars the steamer followed the

devious channel. Great was the excitement on board when the boat swept out into the broad Mississippi and churned upstream to St. Louis. It was sometime in April when the little party disembarked at Bloomington (now Muscatine), Iowa, and made the long journey to Iowa City by wagon. There were no bridges over the streams and only a few scattered cabins along the road.[7]

To a small log cabin built in the timber along Turkey Creek in what is now Newport Township in Johnson County Mr. Hampton conducted his family. He, like many another early settler, believed that forest land was the only sort capable of producing grain; and there the pioneers chopped, sawed, grubbed, and prayed that their neighbors who had settled on the prairie would not freeze or starve. A veritable outpost of civilization was this little home in which William Hepburn was to spend a part of his boyhood. Long afterward he said that there were at that time not five thousand white families farther west in the United States. From the cabin in which he lived a person, moving westward to the Missouri River, "would have traveled without the sight of the smoke from a single chimney."[8]

One season of agricultural experience convinced George S. Hampton that he would never be a successful farmer. Fortunately he secured

a position as transcribing clerk in the Council of the first Legislative Assembly that met in Iowa City in December, 1841.[9] In the preceding June he had sold to his mother-in-law the half section on which he had originally settled, and in September had taken a claim on a half section about three miles east. In March, 1842, he paid fifty dollars for a hundred and sixty acres located a mile south of Mrs. Catlett's land. Hanson Hepburn, the oldest son, assumed the management of the latter farm when his step-father found more congenial employment in town. William soon went to live with his grandmother and his uncle Columbus on the adjacent claim.[10]

Many a night the wolves howled dismally around the house; and it was often necessary to get out of bed and frighten the bold marauders away with a fire brand. But one night, in spite of all William's efforts, the wolves carried away his pet pig. To assuage the boy's grief, the pig was replaced with a puppy; but the little dog also caused trouble. One day it ran under the house and William, boy-like, crawled after. He caught his clothes on a nail, and turn or twist as he might he could not get loose. What must have been his anguish as he lay there, wondering if his uncle would tear down the house to save him when houses were few and boys comparatively plentiful![11]

In those days it was no small matter to start a fire; so an ash-covered log was kept burning in the fireplace. But occasionally the glowing embers would die, and then it fell to William to run to his mother's house more than a mile away to fetch a brand and kindle the blaze again. Sometimes the pluck of the lad was severely tested when the trip was made after dark through woods full of wild animals and perhaps a roving band of Indians. These experiences, however, served to cultivate a venturesome temperament that stood him in good stead when later he came to be thrown upon his own resources.

Stimulated by long-standing companionship, a warm affection grew up between William Hepburn and his grandmother. Many hours they spent on the Sabbath singing together the hymns in the old Methodist hymn book brought from Ohio. That the boy was taught to cherish a devout reverence for the Deity is apparent from his recollection of regular church attendance one hundred and four times a year. It must be admitted, however, that he sometimes failed to attend strictly to the sermon. Indeed, if the minister should be found wanting in ideas young Hepburn was wont to preach his own sermon. Years later he expressed his obligation to those early clergymen for teaching him to think amid noise and distraction.[12]

Both George S. Hampton and his wife were cultured people to whom the privations of frontier farm life must at times have been a trying experience, not only on account of the physical inconvenience but because of the meager educational opportunities for their children, since there were no schools in the country. At all events the third summer on the farm had scarcely passed before the family moved to Iowa City, and there in October, 1843, Mrs. Hampton was engaged as instructor of the "female department" of the Mechanics' Academy. Most of her salary of one hundred dollars for twenty-two weeks was spent in paying the tuition of her own children. Here, under the tutelage of Hugh and William Hamilton,[13] William P. Hepburn attended school for the first time in his life.

Iowa City even then was abundantly blessed with higher educational institutions. Following elementary work in the Mechanics' Academy, William attended a private school taught by Dr. William Reynolds whom he remembered as an accomplished gentleman willing to use the ferule to stimulate the memory of his pupils. At another time he was enrolled in Iowa City College of which James Harlan was the principal and faculty. There he completed the study of Colburn's mental arithmetic — a discipline of incalculable value in later years.[14]

Going to school, however, occupied only a few short periods during four or five years. The greater part of William's time was taken up with the usual round of boyish activities. When the circus came to town he rode triumphantly at the head of the procession beside the elephant because early in the morning he had found the caravan on the wrong side of a swollen stream and had volunteered to act as guide. The Cadets of Temperance, an organization of boys pledged not to use intoxicating liquor or tobacco, chose him as Royal Archon — the highest officer. It was at this time that William was nicknamed "Pete" by the other boys to distinguish him from his step-brother and boon-companion, William Hampton. The name stuck to him all through life: even on the floor of Congress he was known as "Pete" Hepburn.[15]

By no means all of the lad's time out of school was spent in play. When he was ten years old he worked seven months in the Berryhill Brothers' general store for which he received twenty-one dollars. In June, 1847, at the age of thirteen, "Pete" went to live with Judge John F. Kinney on a farm near West Point in Lee County. There he remained a year. Most of the time he worked manfully in the fields and helped with the chores, but during three months in the winter he went to school. Meanwhile he grew tall and bashful.[16]

II

Preparing for Life

During the year that William Hepburn was in Lee County he returned to Iowa City for a short visit. This occurred at a time when his sister Catherine was recovering from a long illness during which she had made the acquaintance of Melvina Morsman, the nine year old daughter of Dr. M. J. Morsman.[17] The two girls had planned to visit Mavor and Pamela Sanders who lived across Ralston Creek; but the distance was too far for the convalescent Catherine to walk. Arrangements for a horse and buggy were easily made; but William, after the manner of boys of his age, required a great deal of coaxing and commanding before he would consent to act as driver. Rather ungraciously he drove as far as the creek and then, pointing to the Sanders home on the opposite side, told the girls they could get out and walk the rest of the way. Such was the simple beginning of an acquaintance between Melvina Morsman and William Hepburn which culminated in more than sixty years of married life.[18]

It was not long after this incident that William was persuaded to learn the printer's trade. A place was made for him in the composing room of the *Republican* — an Iowa City newspaper owned by Samuel M. Ballard with James Harlan as a contributing editor. For three years he worked steadily setting type for sound Whig editorials and vituperative attacks upon neighboring newspapers. At the end of that time he was a journeyman printer capable of earning ten dollars a week as pressman for the *Capitol Reporter* — the Democratic organ published at Iowa City.

Thoroughly grounded in the rudiments of the English language and well informed in history and the political doctrines of the time, William P. Hepburn always regarded the printing office as the best school he ever attended. There is a note of democratic pride in his own concise description of his early training: "educated in the schools of the Territory and in a printing office". He was always pleased to be referred to as an artisan, a man who had served an apprenticeship and had learned a trade.[19]

Whatever may have been William's plans for the future, his mother was ambitious to have him study law. Living almost in the shadow of the Old Stone Capitol where the eminent men of the State were accustomed to assemble, listening often to the debates in the legislature,

and attending sessions of the Supreme Court — of which his step-father was clerk and to the bar of which was attracted the best legal talent of the country — William became interested in political questions and decided to acquiesce in his mother's wishes. As a boy he had been fond of reading anything he could find, and so the prospect of poring over law books was pleasing to him. It was with enthusiasm and determination that in the spring of 1853 he began to read Blackstone under the direction of William Penn Clarke.[20]

Fortunate indeed was the young law student who received his training in the office of William Penn Clarke, one of the most widely practiced and successful members of the Iowa bar. A hard task master whose creed was thoroughness in the fundamentals of law, he also gave young Hepburn the advantage of his extensive acquaintance among politicians and lawyers — such men as James W. Grimes, Samuel J. Kirkwood, Henry W. Lathrop, Samuel F. Miller, C. C. Nourse, and Josiah B. Grinnell. Moreover, William Penn Clarke was a radical Free Soiler, chairman of the Kansas Central Committee of Iowa, and one of the secretaries of the first Republican convention at Pittsburgh in February, 1856. In such an atmosphere, and associated with the leading men of Iowa who were opposed to the extension

of slavery, it is small wonder that William P. Hepburn became a strong partisan of the new Republican party.[21]

In September, 1853, he confided to Miss Morsman that he was "getting to like the study of law better every day". By that time he had finished *Starkie's Evidence* and had begun reading *Stephen's Pleading,* and he was proud of his "clocklike regularity in attending to office hours." Sixty years later he recalled that he had been accustomed to spend at least five hours each morning in close application to reading law; in the afternoon he took care of the office until four o'clock; and then the study of Latin occupied him for two hours. The evenings were devoted to the reading of history and poetry. When Mr. Clarke had cases in courts outside of Iowa City he took his young assistant along to help in the trials.[22]

Tall, erect, and very slender, William P. Hepburn at the age of nineteen was an unusually handsome young man. A very fair complexion was accentuated by his wavy black hair and dark, deep-set eyes under heavy black eyebrows. His features were clean-cut and regular: a straight nose, full cheeks, and a square chin. Endowed with grace and tact it is not surprising that he was popular with the young people of Iowa City. His letters to Melvina Morsman —"Melly" as he liked to call

her — tell of the parties and balls he attended and relate the amorous adventures of their friends.[23]

Sometime in the summer of 1854 when young Hepburn was in Illinois he chanced to meet Van H. Higgins of Chicago. Pleased with the appearance of the young man and confident of his ability, Mr. Higgins suggested that he be examined for admission to the bar. The examining committee reported favorably; and nearly four months before he was twenty-one years of age William P. Hepburn received the certificate which entitled him to practice law in Illinois. Almost immediately he was invited to accept a position as bookkeeper in the firm of Higgins, Beckwith, and Strother,[24] receiving as compensation his necessary expenses. This seemed to be an exceptional opportunity and in the latter part of September, just after his betrothal to Melvina Morsman had been announced, the young lawyer found himself in Chicago "building air castles" in his dreams and "peopling them with fairies" which would always take the form and name of "Melly".[25]

Mr. Higgins, whom Hepburn described as "rather a large man, but a very handsome one", received his new assistant in a kindly manner; while Mrs. Higgins and her daughter Hattie were as cordial as old friends in their greetings. It was not long before William felt at home in

WILLIAM PETERS HEPBURN

Law Student: Age Nineteen

WILLIAM PETERS HEPBURN

his strange surroundings. He lived on the lake shore with people he had known in Iowa City. Chicago was then an over-grown town of sixty-five thousand population with badly kept, ill-lighted streets, any amount of mud, and a dirty river in which the current was scarcely perceptible. Hepburn's opinion of the elite people of Chicago was no more flattering than the city was attractive. At the first party he attended he did not "recollect hearing a sensible remark", although there was a "great deal of delightful music."[26]

Early in the summer of 1855 William Hepburn was once more in Iowa City among the friends of his boyhood. Although he had remained less than a year with the firm of Higgins, Beckwith, and Strother, he apparently succeeded in gaining the confidence of the lawyers and business men of Chicago; and so when he began to practice law in Iowa he became the agent of many of the Chicago firms doing business in his section of the country. On June 13, 1855, he was admitted to the Iowa bar and later in the same month he accepted the position of deputy clerk of Johnson County, in which office he remained until the middle of August, receiving as compensation all fees collected.[27]

Happy in the prospect of being married in a few months and enjoying a comfortable job, the summer of 1855 was a very pleasant one for the

young attorney. Being at leisure for a few weeks he was glad to accompany his friends Edgar and Edmond Harrison on a trip through some of the adjoining counties. A fortnight later he returned with his face swollen and disfigured, afflicted with an acute case of sore eyes (purulent ophthalmia). But the weeks during which he was confined to a darkened room were transformed into a period of felicity by the tender solicitude of his girlish sweetheart. During those dark days the affection between Melvina A. Morsman and William P. Hepburn deepened, so that their marriage on October 7, 1855, while the groom was still compelled to wear colored glasses, marked only the beginning of a love that grew deeper and more steadfast through all the years that followed.[28]

III

At Home in Marshalltown

Situated on high ground overlooking the Iowa River, Marshalltown in 1856 was entering upon the third year of its history. The town had been founded by Henry Anson, a man of remarkable energy, who foresaw the possibilities of the location and worked incessantly to make the enterprise successful. So when William P. Hepburn was looking for a home and a suitable place in which to begin the practice of law, Mr. Anson, who was a friend of the Morsman family, offered to give Mrs. Hepburn a piece of land if they would settle in the new town. To the young attorney and his wife this seemed to be a splendid opportunity, and so in February, 1856, they packed their household possessions and drove nearly one hundred miles across country to the frontier village.[29]

In turning their faces westward to seek fortune on the frontier this newly married couple followed the example and kept up the tradition of their parents and grandparents. In 1856 there were only a few scattered settlements in Marshall County, while in Marshalltown there

were less than a score of dwellings. Thus far had moved the van of the hosts that won the West. To those who dared there was a chance to live in a land "where the world is in the making", to find a home where "a man makes friends without half trying".[30] Although the residents of Marshalltown were few they were very jealous of the new community they sought to foster: each new settler was greeted with whole-hearted hospitality. It was a hearty welcome that "Pete" Hepburn and his wife received on their arrival.

With the proceeds from the sale of some land which Mr. Hepburn had purchased with savings during the last year of apprenticeship as a printer[31] he bought enough material to build a small cottage. For several weeks he was busy hauling the lumber from Iowa City and then the construction of his house began. The building contained three rooms with a tiny porch in front. As one of the neighbors remarked, it had the appearance of a coffee mill with the drawer partially pulled out. Small as it was, however, there were few families in Marshalltown who possessed a better dwelling than the Hepburns, and although in after years they lived in larger and finer houses there were none with which they were so completely satisfied. Long before the residence was finished the young housekeepers moved in, and many even-

ings William Hepburn might have been found nailing on lath by the light of a tallow-dip candle held by his wife.[32]

Almost as soon as he arrived in Marshalltown, Hepburn found an occasion to practice his profession. The landlord of the tavern at which he stayed before his own house was built became his first client, and the case was a controversy over the sum of eight dollars. The amount of money involved, however, was no indication of the bitterness of the contest and the successful issue of the case brought as much satisfaction to the young practitioner as any of his later cases in which there was more at stake.[33]

Those who read the newspapers of Iowa City in the summer of 1856 must have noticed that William P. Hepburn had located in Marshalltown and was prepared to act as an attorney, counsellor at law, and general land agent. He announced that he would make collections and secure claims "throughout the State", while conveyances "of all kinds" would receive prompt attention. It may be assumed that a large part of a lawyer's business in a country recently opened to settlers had to do with the location and sale of land. Until the middle of June, 1856, it seems that Mr. Hepburn coöperated with his step-father in the land agency business — at least he advertised that his Iowa

City headquarters were in Powell's block where George S. Hampton had his real estate office. Later in the summer he formed a partnership with William Bremner, a man educated in engineering and the law who had removed to Marshalltown from New Hampshire.[34]

The law practice yielded a comfortable income from the start, and although Mr. Hepburn still suffered from weak eyes he was able to conduct his business with good success. Mrs. Hepburn helped in the preparation of cases by reading aloud from the law on the subject. Pleasant indeed were those months of close companionship when the young couple first felt the joy of achievement and the brightness of the future was dimmed by no cloud of trouble.[35]

IV

Frontier Politics

Political affairs in the West between the years 1854 and 1856 were in a state of constant turmoil. Agitated beyond measure by the Kansas-Nebraska Act, men who had borne life-long allegiance to the old political parties grew restless and sought new affiliations in opposition to the extension of slavery. In Iowa many citizens were seriously affected by the anarchy in Kansas and Nebraska, and the feeling against the slave power grew more and more bitter.

Out of the common opposition to the extension of human bondage emerged the Republican party. Simultaneously with the meeting of the first national Republican convention at Pittsburgh on the anniversary of Washington's birthday in 1856, there convened in Iowa City an assemblage of about four hundred "free citizens" representing nearly every part of Iowa. Pledged to the task of making "slavery sectional, and liberty national" these men undertook the organization of a Republican party in this State.[36]

Having been intimately associated for several

years with men who thoroughly hated slavery, this convention must have stirred the emotions of William P. Hepburn.[37] There in the hall of the House of Representatives in the Old Stone Capitol were men of every political creed, convened for the high purpose of resisting the spread of slavery. In that gathering were many friends of the young attorney. S. M. Ballard, from whom he had learned the printer's trade, had journeyed from far off Audubon County in the midst of winter. There was J. B. Grinnell of Poweshiek County, the co-worker with William Penn Clarke in behalf of unhappy Kansas. Among the delegates of Johnson County were S. J. Hess, county clerk when Hepburn was deputy; C. H. Berryhill, his boyhood employer in a general store; and Tom Hughes, friend of the printing office days. In an inconspicuous place sat Samuel J. Kirkwood, clad in the labor stained garments of the farm and mill; while Governor James W. Grimes, father of the convention, might have been seen occasionally.[38]

As Hepburn listened to a lucid statement of the principles of Republicanism written by Senator James Harlan to Henry W. Lathrop, he may have had a vision of the future greatness of the new political party that was there being founded. He may have thought of the portent of the larger convention in Pittsburgh

where his friend William Penn Clarke at that moment was acting as a temporary secretary. Captivated with the sound logic and forceful oratory of man after man who took the floor to renounce allegiance to the old parties and advocate the limitation of slave territory, William P. Hepburn's political affections were fixed for a lifetime in this first Republican convention in Iowa.[39]

From the date of the convention at Iowa City, Hepburn was counted among the ardent supporters of the new party. Later in the year when the time came for the first meeting of the Republican organization in Marshalltown it was he who wrote the notices. Encouraged by the responses of the people, county and district conventions were held to select party candidates, and before he had lived five months in Marshall County the young lawyer found himself nominated for the office of prosecuting attorney, and on August 4, 1856, he was elected for a term of two years. Thus at the age of twenty-three he was giving "legal advice to the state and county officers" and appearing as counsel "for the state and county . . . . in the district or county courts in his county". For these services "his whole compensation" was an "annual salary" amounting to $200.[40]

As a prosecuting attorney Mr. Hepburn seems to have met with indifferent success. Without

an extensive education in the law he was no match for such experienced lawyers as Enoch W. Eastman and Marcellus M. Crocker. In February, 1858, he was sure that he "would have been quite as successful" if he had "learned practical engineering, instead of spending two or three years in acquiring the rudiments of a profession". Three months later the judge of Marshall County, who was at odds with Hepburn, declared that the prosecuting attorney had "failed to establish one State case in ten for nearly two years," and had lost sometimes "fifteen suits in succession".[41]

Whatever may have been "Pete" Hepburn's attainments in the office of prosecuting attorney his work in the ranks of the Republican party received favorable notice. When the Sixth General Assembly convened in Iowa City, December 1, 1856, George D. Woodin of Johnson County proposed the name of William P. Hepburn for the office of assistant clerk of the House of Representatives. Philip B. Bradley, secretary of the Senate in the Third and Fifth General Assemblies, was nominated in opposition. When the roll was called Mr. Hepburn received the endorsement of all the thirty-nine Republicans present, while there were only seventeen votes for the Democratic candidate.[42]

As he performed the duties of his office Hepburn gained experience in legislative meth-

ods and observed the maneuvers of the politicians. There also on the floor of the House of Representatives the prominent members of the Republican party became familiar with the voice and figure of the young attorney. That he was esteemed and respected by his associates may be assumed from the fact that after the Sixth General Assembly had adjourned he was appointed by Governor Grimes as one of the men to investigate the accounts of a number of the county school fund commissioners.[43]

On January 11, 1858, the Seventh General Assembly met in the Old Brick Capitol at Des Moines. William P. Hepburn was appointed chief clerk *pro tempore* without opposition. In the election of permanent officers the following day, the Republican candidate for the office of chief clerk was Benjamin F. Jones, a man selected chiefly for his political influence in the northeastern part of the State. As chief clerk, however, Mr. Jones was incompetent, and at the end of the first week he tendered his resignation.

When the Republican caucus met to choose a new chief clerk Mr. Hepburn was nominated in preference to at least two formidable competitors — George G. Lyon of the Dubuque *Times* and Charles C. Nourse, chief clerk of the House in the Fifth General Assembly and secretary of the Senate in the Sixth General Assembly. In his own words the nomination was "a triumph

of the most desirable kind. My opponents were, two of them at least men of position in the party, and known to be experienced and efficient officers. Indeed Nourse is said to be 'the best clerk in the west.' Besides this, the speaker of the House lives but 25 miles from our town & the assistant Clerk is from Poweshiek County which of course would operate against the chances of one who lived so near them. Yet in the face of this formidable opposition after discharging all of the duties for a week, giving every one a fair opportunity to judge of my competency I was nominated by a vote of 28, to 13 received by all the other candidates.'' The House endorsed the action of the Republican caucus on January 18, 1858.[44]

Arduous indeed was the work of the chief clerk. Besides keeping the journal of the House it was his duty to read the bills, a task rendered difficult not only by the acoustic properties of the hall but enhanced by the necessity of first deciphering the handwriting. Furthermore, the assistant clerks were none too efficient — not nearly as good, Mr. Hepburn declared, as his wife had been during the previous session. But however difficult the situation proved to be, the chief clerk earned an enviable reputation during the Seventh General Assembly and from that time he took a prominent place in the Republican party organization.[45]

V

The County Seat Contest

Intense loyalty characterized the people who lived in Marshalltown. There was some talk in the Seventh General Assembly, probably instigated by Marshalltown, of fixing the site of the State capital at that place. Although the capital had been permanently located at Des Moines both by statute law and constitutional provision, a resolution was introduced to remove the seat of government to Marshalltown. The proposition was immediately referred to the committee on charitable institutions and no more was heard on the subject.[46]

While William P. Hepburn, the clerk of the House of Representatives, probably had little to do with the capital removal scheme, he did not neglect local interests. In the settlement of newly created counties in Iowa, it was a common experience for two or more rival communities to quarrel over the location of the county seat. Marshall County was no exception, and the young attorney at Marshalltown took a leading part in the contest.

In April, 1856, within two months after Hep-

burn had moved to Marshall County, the people voted by a majority of one hundred and thirty-four against changing the county seat from Marietta to Marshalltown. Decisive as this action seemed, it only served to spur the promoters of Marshalltown interests to greater efforts. With the expenditure of an enormous amount of labor a brick courthouse was erected, and in the summer of 1857 — under the supervision of Wells S. Rice of Marshalltown — the signatures of more than half of all the voters in Marshall County were obtained on a petition for a second election on the question of locating the seat of justice at Marshalltown. The poll was to be taken at the regular spring election on April 5, 1858.[47]

At this juncture all of Marshalltown's hopes might have been shattered had it not been for the alert chief clerk of the House of Representatives. The Seventh General Assembly had scarcely been organized before the friends of Marietta undertook to postpone the election by an act of the legislature. On January 20th Hepburn wrote home the news that the "Marietta folks are trying to spring a trap upon us in the shape of an act to prevent votes to be taken except once in five years,— if it passes it will kill our town as sure as fate." He sent a letter posthaste by special messenger urging G. M. Woodbury and Henry C. Henderson to

start at once for Des Moines with documents to show the status of affairs in Marshall County. Although a bill to amend the law in relation to county seats was introduced toward the end of the session, it was referred to a special committee of one member and forgotten.[48]

In the meantime the contest waged hotly in Marshall County. The friends of Marietta argued that it would be far better to allow the county seat to remain where it was than for the people to feel the "severe pangs of heavy taxation" in paying for the unfinished courthouse in Marshalltown. Others claimed for Marshalltown the advantages of a more suitable location, larger population, a better courthouse to be deeded to the county free of cost, and brighter prospects for the future. Charges of corruption and insincerity were answered by counter charges. While neither town was eminently qualified to be the county seat, it may be said that the Marshalltown people conducted their campaign with much greater tact and thoroughness. The result of the election was a majority of one hundred and five votes for Marshalltown.[49]

Although the majority of the voters were in favor of relocating the county seat, there was no record that the judges of election in Marion, Le Grand, and Greencastle townships had been sworn, and so the board of canvassers rejected

the returns from those townships, giving the victory to Marietta by fifty-seven votes. This action raised a storm of protest from Marshalltown and the townships from which the votes were not counted. Wells S. Rice brought the case before the district court during the spring term, and a writ of mandamus compelling the county judge to recanvass the returns was issued. Judge Smith filed a demurrer and appealed to the Supreme Court.[50]

Then followed a bitter newspaper controversy between the county judge and the prosecuting attorney. Hepburn wrote a long article filling four columns of the *Central Journal* (Albion) in which he charged William C. Smith with perjury for taking an oath that a previous act was illegal. Declaring that Smith had violated a pledge to appoint one of the canvassers from Marshalltown, he claimed that the rejection of the poll books from three townships was intentional, willful, wicked, and illegal; and he concluded with some comments upon the personal character of the county judge. To these accusations Judge Smith replied in his customary manner. He began by announcing that "a certain miserable enviousness" together with "an increased arrogance and self-esteem, which he has acquired by reason of an office or two", had prompted the county attorney's article. After answering each charge of "this im-

mature scion", he delivered Mr. Hepburn "to the place for which his peculiar talents fit him, to-wit: an obscure oblivion."[51]

The case for Marshalltown was argued before the Supreme Court by William Penn Clarke, with the assistance of Henry C. Henderson and William P. Hepburn; and on November 6, 1858, the county judge was ordered to recanvass the election returns and to include the rejected votes from Marion, Le Grand, and Greencastle townships. That the board of canvassers had been empowered only to count the votes and not to judge of their validity was the chief ground upon which the court rested its decision.[52]

With the aid of two justices of the peace Judge Smith recanvassed the election returns on January 6, 1859; but since the writ of mandamus ordering the returns from all townships to be counted was directed only to the county judge, the two justices did not feel bound to include the votes from Marion, Le Grand, and Greencastle townships. And so Marietta was again declared to be the seat of justice — with Smith dissenting.

The citizens of Marshalltown, however, were determined to have the county seat; and under the leadership of Rice, Anson, Henderson, and Hepburn they undertook to accomplish their desire. Five days after the recanvass Judge

Smith was induced to visit Marshalltown for the purpose of talking over the contest. The house of his father-in-law, Rev. C. Babcock, was crowded when he arrived. Hepburn had borrowed the poll books, and two justices of the peace were present. Believing his life was in danger, the judge canvassed the election returns for the third time, declared Marshalltown to be the county seat, and ordered the county records to be transferred from Marietta.[53]

The following morning a jubilant crowd, including the Bowen Guards and headed by Sheriff Harris and Attorney Hepburn, set out to remove the county records. But at Marietta the valiant band found the courthouse guarded by armed citizens. When the records were demanded an injunction was produced restraining their removal, so the crestfallen Guards returned to Marshalltown and the county seat remained at Marietta. To a Toledo editor the whole affair seemed to be a "war of folly, in which was exhibited, on the part of the aggressors, the most complete want of common sense and ordinary sagacity that it is possible to conceive, and in which nearly all classes were participants".[54]

Three days after the canvass at Marshalltown it appears that Judge Smith issued to William Dishon twenty-six thousand dollars in county bonds with which to build a new court-

house at Marietta. Here was more work for the lawyers. In the spring term of the district court Smith was enjoined from issuing bonds to erect a courthouse in a town not the county seat and an attachment was issued against him for contempt of court in not recanvassing according to instructions. Both cases were appealed to the Supreme Court and both were decided against the county judge. The new courthouse was never built in Marietta, for the election returns of April 5, 1858, were officially recanvassed on December 29, 1859, and Marshalltown was declared to be the county seat. On the last day of December, 1859, the safe and records were loaded on an ox-sled and hauled away from Marietta.[55]

VI

District Attorney

Life in central Iowa during the fifties presented many difficulties to the venturesome people who sought a livelihood on the broad prairies. The railroads had penetrated only a few miles west of the Mississippi River and the wagon roads were scarcely more than trails along the streams and over the hills. Pioneer society was unconventional but cordial. Indeed, the whole atmosphere of the plains bespoke individuality and freedom. While the ambitious young man in the decade before the Civil War faced severe discomforts in the light of present-day conveniences, he was at the same time confronted with opportunities the like of which have never since been witnessed. In the field of politics the vigorous Republican party offered almost certain election to its candidates for public office.

When the Republican convention of the eleventh judicial district of Iowa met in Webster City on the seventeenth of August, 1858, William P. Hepburn was among the delegates from Marshall County.[56] That he was one of

the most prominent members of the party in the convention is apparent from the fact that he was made chairman of the committee on credentials and helped to select the central district committee. In the afternoon of the second day, when the informal ballot for the nomination of district attorney was counted, it was found that Hepburn stood second in the list of candidates. The fourth ballot gave him a majority of five votes and the nomination was declared unanimous. Upon being introduced to the convention the nominee was "greeted with a round of applause, after which he made a brief but appropriate speech, thanking the convention for the trust it had reposed in him and promised his best efforts in behalf of the cause in which he was enlisted."[57]

The Republicans were well pleased with the candidate for the office of district attorney. "He is widely known as the popular clerk of the Lower House", wrote one staunch supporter. "Mr. Hepburn is a young man of fine personal qualities, good education and thoroughly posted in his profession. Aside from this, he has few superiors as a general business man, which will add greatly to his efficiency in the discharge of the onerous duties of the position to which he is sure to be elected. He is widely known, and wherever he is known, he will secure more than his party strength." An

Iowa City newspaper averred that he exhibited "great promptness and energy of character," had "considerable experience in the criminal department of law", and was "known to possess no bias or partiality for the violator of the law." It was thought that he would "prosecute with vigor and wisdom" and "keep the calendar clean." John A. Hull of Boonsboro, the Democratic candidate for the same office, was described as a "very clever fellow" who would never "set the Des Moines river on fire".[58]

One of the most notable events of the ensuing campaign occurred on the evening of September 15th when the two candidates for the office of district attorney met at a political rally in Webster City. Hull accepted an invitation to give his views on the political topics of the day and "opened with a few pert witticisms". After a "very long, rambling speech", in which he attempted a "spread eagle panegyric", he "sat down completely exhausted." Mr. Hepburn, it was said, "made a vigorous and telling speech." Thoroughly "posted both in State and National politics", he was "ready to meet a democrat on any topic." A characteristic which attracted attention was his "large fund of wit and anecdote" which he used "to admirable advantage."

Three days later Hull and Hepburn met again in a joint debate, this time at Boonsboro,

the home of Mr. Hull. For about an hour, according to a local newspaper, Mr. Hepburn "held forth in such a strain of eloquence and argumentation as completely fascinated the whole audience. He defined the principles of the Republican party with singular clearness and perspicuity, and demonstrated their practical utility with the logical conciseness of one thoroughly acquainted with his subject in all its parts." His discussion of national issues and the workings of State government demonstrated his "superiority over a majority of political leaders" and showed his "qualifications as a public man". Apparently the "keen, logical criticism" and the "multiplied facts" in his speech were too much for his opponent, for it is recorded that Mr. Hull "hesitated, stammered, got puzzled, repeated things he had once said . . . . and at last sat down, exhausted, vexed, dispirited and quite discouraged", having spoken, in the opinion of one who had heard him many times, more discreditably than on any other occasion.

These debates were fortunate for the Marshalltown attorney. Hitherto the voters outside of his own county had been given little opportunity to judge of his ability, while his "Democratic friends had set him down as a 'mere boy' "; but after the meetings with Hull it was declared that the result would be "many

converts to the Republican faith'' and Hepburn would ''receive the votes of many Democrats despite all efforts to whip them in.''[59]

''Pete'' Hepburn closed his campaign by touring the district in company with Samuel J. Kirkwood, an ''eloquent champion of Freedom'', John W. Cattell, the ''Farmer Candidate'' for the office of State Auditor, and Jacob Butler, one of the ''ablest and most popular speakers in the State.''[60] Meetings were scheduled to be held at Marietta on September 29th, Eldora on September 30th, Iowa Falls on October 1st, Webster City on October 2nd, Fort Dodge on October 4th, Homer on October 5th, Boonsboro on October 6th, and Nevada on October 7th. The chief burden of the speeches seems to have been the vindication of the party and the candidates from charges of extravagance and corruption.

During the campaign Mr. Hepburn was accused of malfeasance when he was a commissioner to investigate the accounts of the county school funds. His opponents said that he had received two hundred dollars ''hush money'' in the form of a loan without security from the school funds of Story County, in return for which it was alleged he did not report the defalcation of the school fund commissioner of that county. In replying to these accusations Hepburn admitted that he had borrowed the

two hundred dollars; but he asserted that the loan had been secured by the signature of William Bremner and a mortgage on one hundred and twenty acres of land. Furthermore, he proved that he had reported the school fund commissioner of Story County to be a defaulter to the amount of a thousand dollars. At one of the meetings there were many Democrats present who "felt that these vile slanders were made to recoil upon their inventors with telling and crushing effect."[61]

On October 12, 1858, William P. Hepburn was elected to the office of district attorney by a majority of over four hundred votes. He began his term of four years on the first day of the following January. Inasmuch as the office of district attorney, by virtue of a new law, had supplanted that of county prosecuting attorney, Mr. Hepburn found few unfamiliar duties to perform. Instead of representing the State and giving advice to the officers in only one county his jurisdiction extended over twelve counties. His annual salary was eight hundred dollars, and in addition he received fees to the amount of five dollars and ten dollars respectively for each conviction in cases of misdemeanor and felony.[62]

In the sparsely settled eleventh judicial district the sessions of the court were among the most enlivening events of the year.[63] Not in-

frequently as many as a score of attorneys from all parts of the State travelled the circuit together. For mirth and good fellowship those were rare days. Feasting on buffalo meat, venison, squirrels, prairie chickens, and quail, bunking together in a common bedroom, and in the winter facing the stinging northwest wind as they journeyed from town to town, these men were privileged to obtain an extraordinary training in the midst of hardships. Sometimes in the summer Mrs. Hepburn accompanied her husband on the circuit, reading aloud from law, history, and fiction, while he drove across the prairie toward some distant object upon which he had fixed his gaze.

Coming in active contact with lawyers who afterwards became congressmen, governors, and judges, the resources of the district attorney were severely taxed. The legal opposition of such men was a remarkable stimulus, however, and before he had been in office six months Mr. Hepburn had become a favorite with the people wherever he was known. "Prompt, straightforward and judicious in the discharge of his duties, and not swerved an inch from the proper course by fear or favor", wrote a friend, "he probably has no superior in the District in point of fitness for the station to which such a flattering majority called him."[64]

During Hepburn's term as district attorney,

politics claimed an important share of his attention. He was one of the delegates who participated in the enthusiastic nomination of Samuel J. Kirkwood for Governor in 1859. Seldom in the history of Iowa has there been a more energetic campaign than the gubernatorial contest of that year. From the date of the State convention the most perfect harmony prevailed in the Republican party. The strength gained by a thorough organization and a pronounced anti-slavery candidate was supplemented by the support of a host of eminent men. Hepburn was counted among the leaders who were loyal to Kirkwood, along with James Harlan, James W. Grimes, John A. Kasson, James F. Wilson, Grenville M. Dodge, James B. Weaver, John H. Gear, and William B. Allison.[65]

When the Eighth General Assembly met on January 9, 1860, the political atmosphere of Iowa was electric with questions of finance, the promotion of railroad interests, and the regulation of the liquor traffic, while overshadowing all local issues was the cloud of slavery made more lowering by John Brown's attack on Harper's Ferry. Like a flash of lightning came Governor Kirkwood's inaugural address denouncing the vacillating policies of the Democratic administration as the "moving causes" that led to the "unlawful invasion" of Virginia.[66]

Nine days after the General Assembly convened the Republican State convention assembled for the purpose of selecting delegates to the national convention. It was well that many of the delegates who gathered at Sherman's Hall in Des Moines on January 18, 1860, were men of unusual ability because upon them rested the responsibility of choosing the Iowa delegation to the convention that nominated Abraham Lincoln. William P. Hepburn, who was at the capital in the interest of a railroad land grant, appeared as a delegate in the convention.[67] While the members of the convention were listening to the quaint remarks of John Johns, a picturesque trapper from Webster County, Mr. Hepburn was busy helping prepare the report of the committee on permanent organization. As soon as nine delegates-at-large were elected to represent Iowa in the Chicago convention, the roll of the judicial districts of the State was called and Hepburn was selected as one of the two delegates from the eleventh district. A resolution binding the delegation to vote as a unit in the national convention was rejected.[68]

It was on William H. Seward's sixtieth birthday, May 16, 1860, that the national Republican convention was called to order in the famous Chicago Wigwam. Shortly after noon William P. Hepburn was in his place on the

platform with the other delegates, listening to the call of the convention and to the keynote speech by David Wilmot. Two days were consumed in appointing committees, electing officers, and adopting a party platform. Hepburn's name appears in the proceedings only on the official roll as a certified delegate from Iowa. With many older and more prominent men present it is hardly to be expected that he should have served upon any of the committees or as an officer.

Amid tremendous applause more wild and frantic than the yells of Comanche Indians the Presidential candidates were nominated during the forenoon of the third day. Just before the first ballot was taken William M. Stone arose "in the name of two-thirds of the delegation of Iowa, to second the nomination of Abraham Lincoln." Twice the roll of the States was called and there was no choice. Before the result of the third ballot could be announced Ohio changed four votes to Mr. Lincoln — enough to give him the nomination. For a moment there was silence, then "arose a peal of human voices, a grand chorus of exultation", and a dozen men were on their chairs clamoring to cast the unanimous vote of their delegations for the Illinois rail-splitter. Iowa was among the number, although the vote of Iowa delegates had been divided on all three ballots. Eight men

voted for Seward from the first and there were never more than twenty-two for Lincoln.[69]

The hope of the delegate who moved that the Chicago convention adjourn to meet at the White House on the following fourth of March was fulfilled by at least one Iowa member. Early in 1861 Mr. Hepburn contracted with eight or more counties in the eleventh judicial district to "proceed to the city of Washington, D. C. and there act as attorney and agent" of the various counties, using "all due diligence to secure to the State of Iowa, a title to all of the swamp and overflowed lands" lying within the counties of which he was the agent. For these services each county was to pay him from two hundred to four hundred dollars "in hand", and in addition sums varying from two hundred to eight hundred dollars, in proportion to the "amount of land, scrip, cash or its equivalent" that the agent was able to obtain.

Accompanied by his wife, Mr. Hepburn set out for Washington in time to be present at the inauguration of Abraham Lincoln. Two years later he was still thinking of that "glorious trip" in 1861, and wondering "if a kind Providence" would "ever permit it to be reproduced". After spending about six weeks in the national capital it became evident that the negotiation of swamp land business was futile in view of the impending Civil War. Scarcely

had the district attorney returned to Marshalltown when the news arrived that Fort Sumter had fallen before the guns of the Confederate batteries.[70]

VII

The Call to Arms

Three months before President Lincoln called for seventy-five thousand volunteers to enforce the laws of the United States several military companies in Iowa had urged Governor Kirkwood to accept their services in suppressing the insurrection. When the call came on April 16, 1861, for one regiment of militia there was such a scramble of volunteers to be included in the First Iowa Infantry that men almost quarrelled with Governor Kirkwood because he could not accept more than ten companies. Toward the end of April the enthusiasm for enlistment was at its height: Kirkwood was confident that he could raise ten thousand men in twenty days. Not all of the people of Iowa, however, were as patriotic and as zealous as the Governor. Indeed, there were many persons along the southern border who were disposed to let those fight who favored war and would not listen to compromise. There were others of southern descent who honestly believed that slavery was necessary.[71]

The call to arms could not but arouse the

fighting spirit of William P. Hepburn in whose veins flowed the blood of three generations of soldier ancestry. On the other hand, he was confronted by the duty of caring for a wife and two small children; he was already serving in a public capacity; and there were then more volunteers than the government could use. Besides, nearly all of his relatives were opposed to war, a circumstance which would have made his enlistment the subject of bitter criticism. Accordingly young Hepburn did not enlist immediately upon the first call.[72]

During the three months following the capture of Fort Sumter, while the first regiment of Iowa Volunteer Cavalry and the first seven regiments of Iowa Volunteer Infantry were being organized, Hepburn continued to perform his customary duties as district attorney. Then came the disaster at Bull Run on Sunday the twenty-first of July. Mr. Hepburn first heard the news of the battle on the following Wednesday night. According to the advance rumors that reached central Iowa the Union army had been destroyed, Washington had been seized by the Confederates, and Congress was fugitive.

It was time for all loyal men to hasten to the aid of their country, and the prosecuting attorney of the eleventh district lost no time in starting for Iowa City where he received authority to raise a troop of cavalry. Hur-

riedly returning to Marshalltown he began recruiting, and within a week from the time he heard of the battle of Bull Run he was notified by Adjutant General Nathaniel B. Baker that his "Marshall Horse Guards" were accepted as Company B of the Second Iowa Volunteer Cavalry. On July 30th he was authorized to order his men into quarters and be in readiness to march by the twelfth of August.[73]

When the company assembled at Marshalltown officers were elected and Hepburn was chosen captain — though he had served in that capacity from the time the company had been ordered to quarters. On the appointed day the troopers, mounted on their own horses with no arms or uniforms and less than a dozen saddles, began their march of nearly a hundred miles to Iowa City and thence by railroad to the rendezvous at Camp McClellan near Davenport. Food was obtained from the people along the way, and the men slept in haystacks and vacant buildings. At Davenport they went into camp with several other companies of cavalry and infantry to begin their training as soldiers. Not a man among them had ever before seen a squadron of cavalry.[74]

For nearly a fortnight Company B remained in Camp McClellan before being mustered into the United States service.[75] Captain Hepburn wrote to his wife that he was busier than he

had ever been in his life. Up "promptly at 5 o'clock in the morning" he worked "*hard* ALL day — drilling, looking after the comfort of the men", and learning the duties of an army officer. In the opinion of the regimental color-bearer Hepburn possessed "fine native talent", while as a "disciplinarian he had few equals." Indeed the rank and file of his company, fresh from the country and unaccustomed to military restraint, chafed under the strict discipline he enforced. Nor was the life of a soldier particularly attractive to the young captain. While he labored faithfully to discharge all of his duties, he confided to his wife that "at the earliest moment when I can do so honorably I will leave the service. But at the same time I must confess that I cannot now imagine when the time will come."[76]

Although Captain Hepburn found it "the hardest work possible to keep 100 men together & in good humor" he seems to have kept Company B busy "getting ready to be useful", for by September 4th he believed he had "the best drilled company in camp." Due in a large measure no doubt to his efficiency as a captain, Hepburn was promoted on September 13th to the rank of major commanding the first battalion. Edward Hatch, a lumber merchant from Muscatine, was commissioned lieutenant colonel; the major of the second battalion was

Datus E. Coon, an editor from Mason City; and Hiram W. Love, a mechanic from Iowa City, was major of the third battalion.[77]

The Second Iowa Cavalry was fortunate in securing Washington L. Elliott as colonel, one of the few regular army officers detailed to command volunteer regiments. Brave, courteous, and a thorough soldier, Colonel Elliott was a disciplinarian without being a martinet. By example he stimulated his officers to industry and care in drilling the men so that during the period of instruction before the regiment was ordered to the front such a foundation for efficient service was laid that the Second Iowa Cavalry was fit to challenge comparison with any mounted regiment in the army.[78]

Until December 7, 1861, the Second Iowa Cavalry remained at Davenport, living in barracks, learning to cook, and drilling in the school of the trooper dismounted. A German fencing master was hired, and before the regiment was ordered south the majority of the men were familiar with the use of the saber. For two months after leaving Camp McClellan the Second Cavalry was quartered in the small, poorly ventilated Benton Barracks at St. Louis where disease wrought sad havoc with the men. Here horses were issued and the regiment was drilled in the school of the trooper mounted.[79]

At St. Louis the usual round of camp duties

occupied most of Major Hepburn's time.[80] Besides the regular drill work he acted as officer of the day within a week after he arrived. In that capacity he vowed that he would "put delinquents through & inaugurate a little of the strictness of Davenport Barracks". At the end of December he served on detail to muster the troops for their pay, and a few weeks later the distribution of arms claimed his attention. The first battalion of the Second Iowa Cavalry, composed of companies E, K, L, and M, was armed with sabers, navy revolvers, and later with Sharps carbines, while the second and third battalions were equipped with Colt revolving rifles, the implication being that Major Hepburn's battalion would execute most of the dashing exploits and the rifle companies would repulse the charges of the enemy.[81]

VIII

Campaigning in Missouri

Gladly bidding farewell to Benton Barracks on February 17, 1862, the Second Iowa Cavalry embarked on transports to participate in the campaign against New Madrid and Island No. 10. The sight of the battered gunboats at Cairo being repaired after the battles of Fort Henry and Fort Donelson reminded the men that at last they were destined to face the stern realities of war. On the evening of the nineteenth of February the regiment landed at Bird's Point, Missouri, in the midst of a snow and sleet storm. The men pitched their tents, posted their guards, lit their fires, ate supper, and "went to bed quite comfortable."

A fortnight was spent in pursuing the elusive "Swamp Fox", Brigadier General M. Jeff. Thompson. "Camp life", wrote Major Hepburn at the end of that time, "is not so very disagreeable after all . . . . We have learned to be quite expert in the arrangement & erection of a camp. We endeavor to start early & complete our march by three o'clock, & yesterday . . . . the men were busily engaged in cul-

inary labors in one hour after the encampment was marked out."[82]

On March 4th the Second Iowa Cavalry, one of the unassigned regiments in Pope's army, advanced on New Madrid by way of Charleston, Bertrand, and Sikeston. The roads were in such poor condition that wide detours were necessary to move forward a few miles. "The whole surface of the country", according to Hepburn, was covered by "a dense forest, with a thick undergrowth of vines, thorns, & cypress roots, & last but not least, a depth of water varying from six inches to two feet." By March 12th, however, the regiment had splashed through to New Madrid and was in position for the next day's battle.[83]

The capture of Fort Henry and Fort Donelson broke the Confederate line of defense in Kentucky and caused the evacuation of Columbus on the east bank of the Mississippi River. Island No. 10, sixty miles below, was selected as the next place to contest the advance of the Union forces. At that point the Mississippi, flowing straight south from Island No. 8, curves to the northwest for a distance of about ten miles to New Madrid, Missouri, and then sweeps back toward the southeast until, reaching Tiptonville, Tennessee, a village five miles due south of Island No. 10, it turns again to the south. Extending along both banks of the river

during periods of high water were deep swamps.

The only means of supplying the troops on Island No. 10 was by the river from the south, so that if communication was cut at New Madrid the Confederates would be forced to land supplies at Tiptonville and convey them overland across the neck of the peninsula. Against New Madrid, therefore, Major General John Pope directed the first blow in reducing Island No. 10. On March 12th the enemy was defending the town with about nine thousand infantry, considerable artillery, and nine gunboats. According to the Southern press, the position was invulnerable, a veritable Thermopylae of the Mississippi, capable of withstanding the attack of seventy-five thousand men. Pope's forces numbered scarcely twenty thousand.[84]

The Second Iowa Cavalry was ordered to report to Brigadier General E. A. Paine at daylight on March 13th. On the eve of his first battle Major Hepburn admitted that he felt nervous—"slightly as if an overdose of morphine had been administered". At the first streak of dawn the men were in the saddle ready to take their place on the line. All day they waited while the heavy siege guns pounded at the Confederate earthworks, but there was no opportunity for a cavalry charge. That night

the enemy evacuated during a violent thunder storm, leaving behind more than thirty pieces of artillery, large stores of ammunition, tents, horses, and wagons. So precipitate was their departure that candles were left burning and food remained untasted upon the tables.[85]

To the victorious Union soldiers New Madrid presented a desolate appearance. Picturesque with its "gothic cottages", ample grounds, and fine shrubbery, the old town had been almost destroyed by the Confederate troops. Buildings that obstructed the range of the guns had been burned, fences had been pulled down, and the siding had been torn from the houses for fuel, while on all sides was evidence of the accurate aim of the Union gunners. To "complete the entire desolation of the town, not a woman or child was to be seen."[86]

With the exception of occasional scout duty, almost a month elapsed before the Second Iowa Cavalry again took an active part in the campaign. Seventeen miles away the bombardment of Island No. 10 could be distinctly heard. For days at a time the shots averaged one each minute. Major Hepburn, lying on his cot and feeling the ground tremble, marveled at the complacency with which he remained in his tent when only a short distance away each discharge was carrying "the bitterness of woe to the heart of mother & wife." Perhaps his very

temperament was being changed by the new environment and "a continual train of thought, all running in the same channel". That his sympathy was not completely deadened by contemplating the brutality of war appears from his declaration that during the long respites from active service "the yearning for home becomes so strong, that it requires strong mental discipline to exclude the doubt, or thought, that possibly duty might have been as well performed" in more peaceful pursuits. "But while the longing for home is constant", he continued, "I still believe that I have determined for the best, & that it has become a question, almost of morals, when a man who can render aid, stands with folded arms, and suffers, by his supineness the destruction of the government."[87]

In the meantime Commodore Andrew H. Foote's gunboats had made little impression upon the Confederate batteries at Island No. 10, while Pope's army, though effectively blockading the river below the island, was unable to cross and attack the enemy in the rear on account of the lack of transports. After nineteen days of hard labor a canal twelve miles long was constructed from the Mississippi River above Island No. 10 across a peninsula of overflowed land to the river just above New Madrid. For a distance of two miles an avenue was cut

through heavy timber by sawing off the trees four or five feet under water—no mean feat of engineering. On April 4th the canal was completed, several steamers were brought through, and the work of transporting the Union army to the Tennessee shore began.[88]

It was sometime on Monday, April 7th, that the Second Iowa Cavalry received orders to cross the river and take possession of the enemy's works on the Tennessee shore opposite Island No. 10. After standing in the rain and cold several hours, Colonel Elliott and Major Hepburn with companies K and L of the first battalion succeeded in getting aboard two transports and steamed across to Watson's landing, where they arrived about three o'clock in the morning of the eighth of April. At daybreak they were on the road, advancing upon the Confederate encampment. As the advance guard approached it was discovered that the main force had evacuated. Moving up through the camp, the standard of the regiment and the guidons of the companies were hoisted in place of the silk flag of the "Mississippi Devils". Several steamers and wharfboats were taken, large quantities of ordnance stores were seized, and about two hundred stragglers were made captive. Thus to the Second Iowa Cavalry belongs the honor of being the first Federal troops to enter the rebel works at Island No. 10.[89]

Leaving the Confederate camp in the possession of Colonel N. B. Buford, the cavalry rode to Tiptonville and stayed there until April 11th, part of the time without shelter in such a downpour of rain that huge camp fires were extinguished. "Yet there was no grumbling & not a man took a cold", wrote Major Hepburn. It was his first "actual service" and he liked it. He never enjoyed better health or felt more rugged. "I am as brown as an indian", he declared to his wife, "in spite of divers & sundry washings undertaken at your special instance & request."[90]

IX

The Eye of the Army

On the same day that the Confederate troops were evacuating Island No. 10 the bloodiest battle that had ever been fought in America was raging at Shiloh. On April 11th Major General Henry W. Halleck proceeded pompously from his arm chair in St. Louis to Pittsburg Landing, that he might personally direct the stealthy advance upon Corinth. Pope, who was just beginning operations against Fort Pillow, was ordered to join Halleck with the Army of the Mississippi.

The first battalion of the Second Iowa Cavalry took passage on the steamboat *City of Alton,* together with two full regiments of infantry—"the greatest crowd that I ever was jammed into in my life", wrote Major Hepburn. It was about dusk on the evening of April 20th that the boat entered the Tennessee River, a stream with "well defined banks that are covered with a most luxuriant growth of vegetation". At Pittsburg Landing the birds were singing, and Hepburn, observing the beauty and quiet that reigned over the battle field of Shiloh, could

" scarcely realize that so recently all the echoes were thundering" with the din of war.[91]

Although Major Hepburn was not without weaknesses for which he criticized himself, he was equally generous in his criticism of others.[92] He questioned whether "the advantages resultant from the battle of Shiloh" would be "so decided when scanned after the first excitement incident to their happening" had passed. "Yet the newspapers tell us *only* 1500 have been killed, and *only* 4000 wounded", he continued sarcastically. "And this too because it was a *surprise* . . . . Someone, it appears to me has a terrible crime to answer for." Although he did not know the true circumstances of the battle, the breast-high thickets shorn smooth by the bullets and the thousands of new graves impressed him with the belief that Grant was either incompetent or guilty of criminal neglect.[93]

During the Civil War the cavalry performed to a limited extent the same service that is now accomplished by aviators: as it now is the duty of the airmen to observe the strength and movements of the enemy or destroy his supplies and lines of communication, so it then devolved upon the Second Iowa Cavalry to act as scouts, make reconnaissances, and raid the country behind the Confederate lines. Like the aviation corps at the present time the cavalry was then the "eye of the army".

In reporting the activities of the cavalry division of the Army of the Mississippi during the operations against Corinth, Mississippi, in which almost "every day brought with it some sharp skirmish with a vigilant enemy", Brigadier General Gordon Granger counted it an honor to command the mounted troops.[94] "Amid pelting rain and tropical heats, through the dense morasses or the blinding dust of the hills, by night or by day, enduring the fatigues of forced marches, with scant subsistence oftentimes for both themselves and their animals, every duty has been cheerfully undertaken and every privation submitted to without a murmur."[95]

On the twenty-second of April the first battalion of the Second Iowa Cavalry had scarcely disembarked from the *City of Alton* before Major Hepburn was directed to lead a party of thirty men out on the Corinth road as far as possible. About seven miles from camp the enemy was discovered in ambush. After exchanging a few shots Hepburn returned to camp where he received the thanks of the commanding officer for the information he had obtained. Brigadier General Hamilton pronounced the reconnaissance to be "a very important scout . . . satisfactorily conducted"; while Colonel Elliott was pleased to say that he reposed complete confidence in Major Hepburn and would enter-

tain the same opinion as long as duty was performed with equal evidence of faithfulness.

It was the first occasion upon which Hepburn had been under fire, and though he stood his ground he confessed that he was scared. "There is undoubtedly a very unpleasant sound occasioned by a minie ball in rapid motion", he informed his wife. He acknowledged a respectable amount of caution, never intending to "charge a battery with a platoon, nor attempt the capture of an entire regiment with a single squadron" unless ordered to do so. Little did he imagine that in the course of a few days he would be called upon to lead a charge against far greater odds.[96]

The forenoon of May 9th was well advanced when news came that Brigadier General Paine's division on the heights near Farmington was hotly pressed and in some confusion.[97] The Second Iowa Cavalry in camp two miles from the scene of action was ordered to ride with all possible speed to the assistance of their comrades. Upon reaching the battle field the infantry was discovered in retreat toward the single bridge and causeway leading across Seven Mile Creek and a swamp. Twelve hundred yards away and across plowed ground broken by hills and deep ravines, three Confederate batteries, supported by a division of infantry, commanded every avenue of escape.

Scarcely had the Second Iowa Cavalry arrived when Paine dashed up and ordered the regiment to charge, take, and hold the batteries until he could move his command across the swamp. "Attention! Draw saber! Squadrons right forward in echelon!" came the order from Lieutenant Colonel Hatch, and a moment later the clear notes of the bugle sounded "Charge!" Sabers flashed in the sunlight, the infantry cheered, and the cavalrymen, pale but resolute, leaned forward in their saddles as they rode across gullies and ravines in the face of grape and canister from the artillery and a withering musketry fire from fifteen thousand infantry. Two of the batteries were carried and the third, charged upon by Major Hepburn and the first battalion through the hottest of the fire, was deserted by the gunners, although they were protected by a fence. Before the Confederate cannoniers could reman their guns Paine had retreated to safety and the cavalry had retired across the swamp to await orders. Nearly fifty men of the Second Iowa fell killed or wounded in the charge, and a hundred horses were left on the field.[98]

It was the opinion of Brigadier General John M. Palmer and other officers who were present that the charge of the Second Iowa Cavalry, audacious though it was, saved the day for the infantry. When Paine explained to Colonel

Elliott that he did not suppose the regiment would go so far it is said that Elliott retorted: "I want you to know that I have taught that regiment to go to hell if ordered there, but I didn't fetch them here to have them ordered there." Brigadier General Granger characterized the action of the Second Iowa Cavalry as the "most brilliant charge ever made on the American continent & the first one in which a whole regiment was engaged."[99]

Following the engagement at Farmington Colonel Elliott seemed to place "a great degree of confidence" in Major Hepburn's ability, always treating him "with the utmost kindness". Hepburn in turn did his best to merit the colonel's good opinion. On two occasions he was put in command of six companies of the Second Iowa and six companies of the Second Michigan Cavalry when out on hazardous scout duty.

About the eighteenth of May the command of the Second Michigan Cavalry was offered to Major Hepburn, and though Colonel Elliott thought "it would have been best" for his interests to have taken it Hepburn felt that "there were many reasons" why he did not want to accept the offer. A week later Philip H. Sheridan was made colonel of that regiment, and on June 11th, when Elliott was promoted to the rank of brigadier general and appointed chief of Pope's staff, Sheridan by virtue of seniority

became brigade commander of the Second Michigan and Second Iowa Cavalry.[100]

Near the end of May, 1862, when the Federal troops had nearly surrounded Corinth, it became desirable to cut the Confederate railroad communication south of the town.[101] At twelve o'clock on the night of the twenty-seventh of May, Colonel Elliott with the Second Iowa and Second Michigan Cavalry set out to wreck the Mobile and Ohio Railroad at Booneville, twenty-two miles south of Corinth. In order to penetrate so far into hostile territory it was essential that the march should be rapid and circuitous. Avoiding the highways, passing around towns, and riding at night, the brigade reached Booneville early Friday morning, May 30th. Here the railroad was destroyed in several places and a train load of supplies and munitions burned.[102]

This damage so embarrassed the Confederates on the eve of the evacuation of Corinth that General Beauregard, it was reported, became frantic and told his men to save themselves as best they could. Just at dark on May 31st the raiders reached camp completely exhausted, having been in the saddle all but twenty-four hours from the time they started. Highly praised for the success of so hazardous and expedition, Colonel Elliott was decorated with the star of a brigadier general.[103]

With the exception of the cavalry raid at Booneville the Confederate army was allowed to escape from Corinth almost unmolested. The capture of the town was important, but the defeat of the Confederate army would have been vastly more important. As Hepburn wrote, the North "spent six weeks time, two or three hundred lives and fifty millions of treasure and then had our game slip through our fingers as though but a dozen men had been engaged, instead of a vast army of more than a hundred thousand men."[104]

The Second Iowa Cavalry was allowed to rest only one day after the Booneville raid before entering upon two weeks of strenuous reconnaissance. On June 4th while feeling the strength of the enemy near Blackland, Mississippi, the regiment was attacked by a large force of infantry and artillery just after crossing a swamp and Twenty Mile Creek over a narrow bridge and a corduroy road nearly a mile long. In all of his experience it was the tightest place Colonel Elliott had ever been in; while Major Hepburn was thankful for the zeal with which he had mastered tactics at Benton Barracks. With the Confederate artillery shelling the bridge and sweeping the narrow road with canister and grape shot, it required more than two hours to withdraw across the creek. Hepburn's battalion formed seven different bat-

tle lines in covering the retreat across the swamp.[105]

It was about the middle of June when the regiment was sent to the rear to recuperate after the long campaign against Corinth. By that time the hot weather had begun to affect the over-worked horses; while many of the men were in poor health. Dining upon "crackers, cold ham & coffee, and sleeping on the ground with no other covering than a tree & a horse blanket, and no pillow but a saddle covered with raw hide" seemed to agree with Hepburn: from the time he had enlisted he had not been "absent from duty to exceed ten days in the aggregate." He described himself as a "hungry Cassius-like" fellow who was "as tough and hard" as he "could wish to be".[106]

X

Staff Duty

No officer had a higher appreciation of discipline than Major Hepburn. He was a good soldier, but not a "popular" officer. While he achieved considerable success in action during the Corinth campaign his relations with some of his subordinates seem to have been far from pleasant. If Colonel Elliott had consented he would have resigned in May. In June he applied for a leave of absence from military duty for a period of thirty days that he might attend to business interests in Iowa. The application was endorsed by Lieutenant Colonel Hatch, Colonel Sheridan, and Brigadier General Granger, but before leave was finally granted Hepburn was persuaded to postpone his furlough.[107]

Soon after Colonel Elliott was transferred to Pope's staff, Lieutenant Colonel Hatch became colonel of the Second Iowa Cavalry, and the way to promotion was paved for Major Hepburn. Elliott, Sheridan, Granger, and Rosecrans all wrote "strong letters of recommendation" urging Governor Kirkwood to

make him a lieutenant colonel. There was, however, a faction in the regiment which was so much opposed to the strict discipline he enforced that a petition in favor of Major Coon for lieutenant colonel was circulated and signed by about two hundred men and a number of officers. Hepburn himself seemed indifferent to the opportunity of becoming lieutenant colonel of the Second Iowa Cavalry. He assumed that the glory of the regiment had departed when Colonel Elliott was removed and asserted that in comparison with what it had been the Second Iowa "is like the play of Hamlet with the character of Hamlet omitted." Deploring the "disorganization & 'democracy' that riots in the camp" and weary of the intrigues against him, it was with sincere satisfaction that Major Hepburn hailed the prospect of being detailed as acting inspector general of the cavalry division of the Army of the Mississippi.[108]

Although Major Hepburn was on Granger's staff, he acted as an aide and reported to Colonel Sheridan when the second brigade of the cavalry division was ordered to Booneville, twenty miles in advance of the main Union army. On the morning of July 1st, Brigadier General James R. Chalmers, with a force of four or five thousand Confederate cavalry, attacked the Union outpost at Booneville. The stubborn resistance of the Second Iowa and

Second Michigan cavalry and the splendid leadership of their commander were, however, more than a match for the overwhelming numbers of the enemy. After eight hours of desperate fighting, characterized by charge and counter charge, Chalmers was compelled to withdraw. "The coolness, determination, and fearless gallantry displayed by Colonel Sheridan and the officers and men of his command" won the thanks and admiration of the army. It was reported that Major Hepburn, who acted as aide during the day, was "deserving of great praise." "I like being on the staff very much", the major wrote to his wife, "it gives me plenty of leisure, & perhaps I ought to add it exempts me from those plaguy scouts . . . . (except when they are in force) that are so unpleasant".[109]

On the ninth of July, Major Hepburn was appointed president of a general court martial. He had thought when he enlisted that he would be relieved of court duty, but it seems that his reputation as a lawyer had followed him to the army. "I find myself now engaged in a class of cases that are beyond all my previous experience difficult & perplexing", he declared. "A peculiarity of all courts martial is that the courts not only determine the guilt of the accused but affix the measure of punishment." Realizing his responsibility he explained that

MAJOR WILLIAM PETERS HEPBURN

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"a mistake is not apt to be corrected and the poor devil who suffers from a too careless examination or hasty determination, has but small opportunity for the correction of the evil."[110]

Day after day during July when the thermometer registered "from 95° to 105° in the shade" he sat "in state with his heavy cloth coat buttoned to the chin, with a sash & belt around his body & an army saber hanging at his side". On July 17th he thought there was a prospect of completing the work of the "everlasting court martial . . . . sometime during the summer", but a week later the court was directed "not to adjourn *sine die*" until further notice — an order which effectually dampened the hopes of the perspiring judges. By the end of July they had gone through the "entire roll of punishments from 'shall be shot' down to 'shall be reprimanded.' "[111]

In the meantime Major Hepburn had not been promoted. Grave charges of conduct unbecoming an officer had reached Governor Kirkwood from the Second Iowa Cavalry. On account of this "formidable opposition" in the regiment the commission of lieutenant colonel was withheld until the Governor was sure that Hepburn was not guilty of "overbearing and tyrannical conduct towards his men." Major Hepburn did not receive his commission until the latter part of November, 1862.[112]

Aside from his unwillingness to have a junior officer advanced over him, Hepburn himself had no ambition to become the "5th wheel of a Regt i. e. Lt Col." The command of one of the new regiments being organized in Iowa would have been much more acceptable, and he took the liberty of sending to Governor Kirkwood several testimonials on his fitness to be a colonel. Brigadier General William S. Rosecrans, Brigadier General D. S. Stanley, and Brigadier General Gordon Granger pronounced him to be "an officer who has been uniformly attentive to duty, vigorous in action, zealous in the cause in which we are engaged, and whose conduct since our acquaintance with him, has been commendable in the highest degree." Colonel Philip H. Sheridan said he was "an excellent soldier & gentleman, well skilled in military affairs." From the Second Iowa Cavalry there were letters from Major Datus E. Coon, Captain Charles P. Moore, Captain Paul A. Queal, and Chaplain C. G. Trusdell, all in praise of Major Hepburn. Captain Queal, who had served under him from the time that Company B was organized at Marshalltown, maintained that no part of the regiment had been better cared for than the first battalion, and no major in the brigade enjoyed "as much of the respect and confidence of his superiors" as did Hepburn. "His tactical knowledge is extensive, and as a

disciplinarian his superior is not to be found in this Army", declared Assistant Adjutant General William C. Russell.[113]

In spite of such an avalanche of military approval Governor Kirkwood did not assign Major Hepburn to the command of one of the new regiments. The fact that it would have been necessary to obtain special permission from the War Department to transfer an officer from an old regiment to a new one may have been an important reason for the Governor's decision. Remembering that "it is as much a soldier's education & duty to be patient, as it is to be willing to undergo privation or to meet danger", Hepburn accepted the disappointment philosophically, though not without some bitterness toward Governor Kirkwood.[114]

Almost continually during the month of August, 1862, Major Hepburn was detailed as judge advocate of general courts martial. That the duties of this office were performed with eminent ability may be concluded from Granger's opinion that Hepburn was the best and most efficient judge advocate he had ever seen. To be a member of Granger's staff was pleasant, but it seems to have been a position that Major Hepburn was not anxious to retain. Although he was confident he could be appointed judge advocate of the Army of the Mississippi on the staff of Brigadier General

Rosecrans, he thought there were no advantages to be gained except ease and a good time — the kind of post that had no particular appeal for the ambitious major. By the first of September he was thinking seriously of returning to active duty with the Second Iowa Cavalry.[115]

General Braxton Bragg was occupied two months after the fall of Corinth in recruiting and drilling his army. Then, early in August, he appeared at Chattanooga, Tennessee, confronting the Army of the Ohio under Major General Don Carlos Buell. Eluding the Union troops Bragg marched rapidly northward in an attempt to reach the Ohio River; while Buell, calling upon Grant for assistance, began a race with the Confederates for Louisville, Kentucky. By September 4th, Grant was hurrying troops to Buell as fast as possible.[116]

When Granger's division was ordered to reinforce the Army of the Ohio, Major Hepburn was relieved from duty as acting inspector general of the cavalry division and instructed to report to Brigadier General Rosecrans, commander of the Army of the Mississippi. At that time Hepburn would have preferred going with Granger to Louisville, but Rosecrans would not permit it. Before ten days had elapsed it is doubtful if the major had any regrets for his change of headquarters. Rose-

crans "manages to keep a fellow pretty busy", he wrote, but "I like [him] better and better every day."[117]

Early on the morning of September 19th the Army of the Mississippi broke camp and marched against Major General Sterling Price, to whom Bragg a few weeks before had assigned the task of disposing of Sherman and Rosecrans. At Iuka the two armies met in one of the fiercest battles of the war. From two o'clock in the afternoon until the sun went down the contest raged. Major Hepburn "was all over the field & all around with Genl Rosecrans but did not get a scratch."[118] During the night Price slipped away to join Major General Earl Van Dorn and engage in another desperate fight with the Union forces at Corinth on October 3rd. The Confederate attack "was a most splendid affair. And their courage was almost invincible", according to Hepburn. "Seven rebel bodies were found in the yard around our head Qrs."[119]

The battle of Iuka made William S. Rosecrans a major general, and in recognition of his hard-earned victory at Corinth he was assigned to the command of the Department of the Cumberland and the troops which had formerly composed the Army of the Ohio under Major General Buell. Assuming command on October 30th, he named "Maj. W. P. Hepburn, Second

Iowa Cavalry, acting judge-advocate'' on his staff. Hepburn reported November 6th at Bowling Green, Kentucky, and a few days later he was at headquarters in Nashville, Tennessee.[120]

The duties of judge advocate of the Army of the Cumberland proved much too ''arduous to be entirely pleasant'', however, and by the middle of November Hepburn was ''strongly tempted to ask to be relieved'' and take the position of inspector of cavalry. That place would allow alternate field and office work which he knew would be more agreeable. Accordingly, Major General Rosecrans announced on November 24th that Lieutenant Colonel W. P. Hepburn would report ''as inspector of cavalry on the staff of the general commanding.'' A month later the lieutenant colonel was well pleased with the change, declaring that the position ''is as good a one as there is on the staff and quite as good as I can fill creditably.''[121]

The winter and spring of 1863 were consumed by Major General Rosecrans in preparing the Army of the Cumberland for the campaign of the following summer. Ignorant of the value of cavalry, Buell had spoken of that branch of the army as ''those men who ride horses.'' In consequence of such an attitude the cavalry was in poor condition, and so Lieutenant Colonel

Hepburn was kept busy inspecting the mounted troops, examining diseased animals, and impressing fresh horses into the service. Of "all the unpleasant occupations that a poor devil was ever engaged in this is the worst", he exclaimed after a week spent in seizing horses for the government. "I have had a hundred women of all ages & conditions thronging my office, begging with tears in their eyes for the safety of a work horse, a riding horse, or a pair of carriage horses." It was a severe test for a man of his "very strong sympathies", but he "preserved a stiff upper lip" and was not moved "a hair's breadth" by flattery or cajolery.[122]

All winter Lieutenant Colonel Hepburn's friends in the Second Iowa Cavalry had been urging him to return and take command of the regiment. Colonel Hatch, they wrote, had charge of a brigade most of the time so that if the lieutenant colonel returned he would not be a supernumerary but would have active command of the Second Cavalry. As the spring campaign progressed the letters became more and more urgent. Claus C. Ruus, a faithful friend and former orderly, sincerely believed that Hepburn would be well received by most of the regiment, "for after losing your service they have found out their loss too late. Especially all your old friends wish you back again,

and for the first Battalion I know they will be glad to see you with the Regiment again." Finally in June there came an emphatic appeal from Paul A. Queal, and Hepburn decided to return to his regiment. Captain Queal seemed to think the occasion would be an epoch in Hepburn's life. On July 12, 1863, he was relieved as inspector of cavalry in the Army of the Cumberland and his staff duty was at an end.[123]

XI

Military Operations about Memphis

It was close to the end of July when Lieutenant Colonel Hepburn reported for active duty at La Grange, Tennessee.[124] His apprehensions that the Second Iowa Cavalry had deteriorated during the year he had been away on staff duty were allayed when he learned that the regiment had "preserved its reputation admirably" and stood second to none in the Sixteenth Army Corps. Indeed, the Second Iowa Cavalry was officially pronounced in September to be "by far the best cavalry regiment in the Department of the Tennessee".[125]

One of the first duties required of Lieutenant Colonel Hepburn after he returned to his regiment was to proceed to Jackson, Tennessee, under a flag of truce. He reported very hospitable entertainment by Confederate officers and the leading citizens while he was there. The people seemed curious to see how military men in hostile armies would meet and act. It was Hepburn's opinion that the inhabitants of Tennessee and Mississippi would welcome peace if the North would tender magnanimous pardon

to the masses and offer assurance of the security of property.[126]

No sooner had Hepburn returned with the flag of truce than he was appointed one of a board of officers to take evidence and determine what regiments of the Sixteenth Army Corps were entitled to inscribe upon their banners the names of the battles in which they had participated. This delicate task of "manufacturing glory" took the board to the headquarters of every brigade in the corps from Corinth, Mississippi, to the capital of Arkansas. The final stretch of the trip to Little Rock "presented a greater proportion of discomforts than any other 60 miles of journeying that ever had to be endured" by the dust laden and perspiring lieutenant colonel, while the best hotel in that city offered fare "greatly inferior to the poorest class of country taverns in the interior of Iowa." It was withal "laborious service" combined with "disagreeable travelling and very expensive living."[127]

The end of the first week in October found Lieutenant Colonel Hepburn once more in Memphis commanding the Second Iowa Cavalry and hoping for an opportunity to distinguish himself in action.[128] Almost a month elapsed, however, before he performed any exploits of importance. On November 3rd, Brigadier General Chalmers with a large force

attacked the little garrison of Illinois cavalry at Collierville, Tennessee. The pickets had been driven in and a brigade of Confederate cavalry was forming for a charge when Hepburn with the Second Iowa galloped into the town from the north. Quickly dismounting the rifle companies in the shelter of the railroad he prepared to receive the advancing enemy. Across an open field came two regiments of Mississippi cavalry in splendid style, but the repeating rifles of the Iowa men were more than they had bargained for. In the meantime more reinforcements had arrived and Chalmers, surprised at the spirited resistance, hastily retreated with the Union cavalry in hot pursuit.[129]

The engagement at Collierville marked the beginning of two months of steady campaigning for the Second Iowa Cavalry; but Hepburn remained in active command only a few days. On November 17th he was sent to the Confederate cavalry commander with a proposal for an informal exchange of prisoners. Although the proposition was approved by J. R. Chalmers and S. D. Lee it was beyond their jurisdiction, so the mission came to naught. Not long afterward Hepburn was detailed once more for court martial duty in which capacity he served until the end of January, 1864.[130]

The valley of the Tombigbee River was one of the most fertile regions in the South. Each

year a large quantity of food was produced for the Confederate armies, and the winter of 1864 found the plantations rich in grain and live stock. Realizing that the destruction of these resources would be a severe blow to the Confederacy, a concerted raid upon the valley was planned. Two columns, one under W. T. Sherman operating from Vicksburg and another composed of three brigades of cavalry commanded by William Sooy Smith advancing from the north, were to meet at Meridian, Mississippi. On February 7th, Lieutenant Colonel Hepburn took command of the second brigade of Smith's division. At three o'clock on the morning of the eleventh he broke camp at Germantown, Tennessee, and marched to join the main force at New Albany, Mississippi.[131]

The expedition moved south without interference until a large force of Mississippi militia was encountered along Hoolka Creek north of Houston. From there the troopers swung to the left through Okolona and thence down the Mobile and Ohio Railroad, burning the ties and bending the rails as they went. Millions of bushels of corn, much of it marked C. S. A., and large quantities of cotton were destroyed. Hundreds of negroes came flocking to the Union lines with horses and mules. On February 20th a few miles north of West Point the Second Iowa Cavalry, which was in the van, was

checked by the first serious resistance. After an hour of sharp fighting, however, the enemy was routed.

It was then almost time for Sherman to start back to Vicksburg from Meridian, and Smith was still a hundred miles away. To the east the Tombigbee River could not be crossed; to the west was the Sakatonchee River and an impassable swamp; while south of West Point was the deep Oktibbeha Creek strongly defended. Encumbered with three thousand horses and mules, confronted by a superior force, and flanked by natural barriers, the expedition was in a veritable *cul de sac*. It was, indeed, a well set trap by which the Confederates confidently expected to capture the whole command.

Fortunately the situation was discovered by Brigadier General Smith almost as soon as it was planned by the Confederates. On February 21st the retrograde movement began. For some distance Hepburn's brigade covered the retreat without difficulty, but about nine miles north of West Point the enemy began to press forward faster than the Union skirmishers could fall back. While Forrest harassed the retreating column, Chalmers and Lee hurried to cut off escape at Pontotoc. It was not long until the rear guard was fighting desperately. There was not time for a battle. Line after line was formed and time after time the eager enemy

was checked, only to rush forward again when Hepburn's men moved back to a new position. It was long after dark before the fighting ceased and then only after the Confederates were drawn twice into ambush. On the following day at sunrise the retreat and pursuit were resumed. A stampeded regiment threw the negroes and nearly all of Smith's troops into such confusion during the afternoon that it was necessary to halt and offer battle at Ivey's Hill. While the second brigade held back the charging rebels, order was restored. Darkness ended the bloody engagement. On February 23rd the column passed safely beyond the Tallahatchie River, having retreated sixty miles and fought every foot of the way day and night.

The success of this remarkable retreat was due in a large measure to Lieutenant Colonel Hepburn. Fighting under the most unfavorable conditions his brigade was depended upon to protect the rear nearly all of the way. "The conduct of the entire Second Brigade", wrote Brigadier General Smith in his report, "was worthy of all praise", and Hepburn, as a "brave, skillful, and valuable" cavalry officer, was mentioned for promotion.[132]

Three hundred and sixty of the Second Iowa Cavalry troopers reënlisted on March 1, 1864, for a term of three years or the duration of the war. They were mustered in as a veteran regi-

ment on March 28th. Lieutenant Colonel Hepburn, who did not reënlist, was placed in command of all the dismounted cavalry in Grierson's division and the non-veterans in the Second Iowa and the Third, Sixth, and Seventh Illinois cavalry regiments. These troops were concentrated in provisional quarters at Fort Pickering, Memphis. Within a week Hepburn had reorganized, armed, and equipped his provisional regiment, and during April the command was out on reconnaissances almost continually. The non-veterans were so well pleased with the provisional regiment that on May 16th the officers asked that the organization be made permanent with Lieutenant Colonel Hepburn in command. The petition was not granted, however, and when the veteran regiments returned from a two months' furlough the provisional regiment was disbanded.

Until he was mustered out on October 3, 1864, Lieutenant Colonel Hepburn served on details to inspect and purchase cavalry horses and to inquire into the condition of the Irving Block Prison in Memphis; he acted as president and judge advocate of courts martial in July; and in September was sent under a flag of truce to negotiate an exchange of prisoners.[133]

XII

Readjustment in Civil Life

At the end of his term of enlistment William P. Hepburn, like many another Union soldier, came face to face with the problem of finding an occupation in civil life. The property he had accumulated before the war was gone and the law practice he had left in the summer of 1861 had long since passed into other hands. Profiting by immigration and industrial development Marshalltown had grown to be a prosperous city in which the former prosecuting attorney was a stranger. In comparison with a precarious law practice in Iowa the South at that time seemed to offer far better opportunities for financial remuneration.

In the South undeveloped natural resources furnished splendid chances for investment; merchants found eager buyers of food and clothing at fabulous prices; and speculators encountered little difficulty in promoting public utilities in strategically located cities. There, too, loyal men with political aspirations worked zealously in behalf of the Republican administration. And so, long before the Union armies

were withdrawn, the South was invaded by a host of Northern fortune-seekers and politicians. Resolved to take advantage of reconstruction in the South and realizing that his military associations would attract the legal business of army men, Colonel Hepburn removed with his family to Memphis, Tennessee, in the autumn of 1864 and opened a law office.[134]

Fortune seems to have smiled upon the Colonel, for by the end of a year he had established a profitable law practice. Working faithfully to maintain national authority and courageously seeking to prevent the disloyal element from gaining control of the local government, he became one of the political leaders of the city. Indeed, at one time he contemplated the organization of a party under the banner of Republicanism, the better to resist the concerted attempt of Southern politicians to rob emancipation of its fruits.[135]

Toward the end of the year 1865 Mrs. Hepburn and the children returned to Iowa City on account of the ill health of Mrs. Hepburn; and Colonel Hepburn, heartily tired of living in the South, decided to dispose of his business. The feeling against Northern men was becoming stronger every day and the spirit of ostracism more manifest. In a few months the military work would be completed; and the prospect of making a living from a regular practice in com-

petition with nearly five hundred other attorneys at the Memphis bar was anything but encouraging. Neither did restaurant board and sleeping quarters in the office militate in favor of a protracted sojourn in Memphis.[136]

Although he was anxious to return to Iowa, Colonel Hepburn found it difficult to leave the South without venturing into the field of speculation. Before disposing of his law business he became interested in the Memphis Street Railway Company; but the stock he received in payment for legal services proved to be unsalable. In June, 1866, he entertained hopes of being appointed attorney general of Memphis with an annual income of fifteen thousand dollars, but in that too he was disappointed. He next secured a franchise from the State legislature authorizing the organization of a freight loading company which promised magnificent returns, but the mayor of Memphis refused to grant a right of way and the case was thrown into the courts. Delay followed delay until nearly two years had elapsed.[137]

Fighting for franchise privileges and hoping for lucrative political appointments, Colonel Hepburn, with his characteristic optimism, kept up the quest of ever vanishing fortunes. It was in harmony with his disposition to look for a possible bright side of affairs when only the gloomy side was visible. In reflecting upon his

experience in Memphis he compared himself to the men who "went to California years ago full of hope and brilliant anticipations of future reward — who worked earnestly and with, as they thought, reasonable prospects of success — which success however managed to keep constantly in the distance — just beyond their grasp, but always as they thought within their view. Though it *would* elude them, they could not bear the idea of abandoning the hope of attaining it. They doubtless many and many a time fixed a day certain, when, if fate did not smile more propitiously, they would abandon their 'game of chance' and return to the slower methods of securing competency at home. Yet when the time would come, they would think of some means as yet untried, and would postpone the hour of abandonment of dreams long cherished — of surrendering all hope of results from efforts long protracted, and would renew their energy and their efforts, and struggle on until another day, fixed still in the future."[138]

Finally in May, 1867, a letter brought the information that Clarinda, Iowa, afforded a good opening for a lawyer and that Colonel Hepburn had been recommended as a suitable person to edit a newspaper in that town. Hastily concluding his business in Memphis he went to Iowa City and from there, with letters of introduction written by William E. Miller, he set out

once more to seek a livelihood on the frontier of Iowa. On the afternoon of June 30, 1867, the stage coach in which he was riding came to the crest of a hill overlooking the town of Clarinda. Below, as far as the eye could see, lay the fertile valley of the Nodaway River. Struck by the beauty of the country, he there resolved, if fortune favored, to build his future home upon that hill.[139]

Having secured a half interest in the Page County *Herald,* Mr. Hepburn brought his family from Iowa City to begin anew the battle of life. A printer by trade, he not only edited the paper but did the necessary press work. Whatever of promise as a journalist he may have exhibited it appears that he regarded the newspaper work as only a temporary occupation until a practice in the legal profession could be established. So when his brother-in-law, W. W. Morsman, came to Clarinda in September, 1867, a partnership was formed and the two men opened a law office.[140] Theirs was not a pretentious place of business with its hickory seated chairs and a plain table piled high with law books; but clients were plentiful and within a year the firm had become well known in the southwestern part of the State. Indeed, the business increased so rapidly that in March, 1869, Herbert H. Scott was taken into the office as an assistant, and two years later Hepburn

and Morsman dissolved partnership, each continuing to practice independently until September, 1872, when the firm of Hepburn and Scott was established. On January 1, 1875, Warren F. Thummel succeeded Mr. Scott as Colonel Hepburn's partner.[141]

Few of the cases in which Hepburn served as counsel were of great importance either in the amount of money involved or the points of law in dispute. Indeed, his experience was no different from that of many a humble practitioner. A multitude of trivial cases were handled, and occasionally he carried a legal contest into the higher courts. After a few years his clients began to come from the neighboring counties; and when the Burlington railroad was completed to Council Bluffs he was employed by that company to attend to a large share of its legal business in Iowa. He was not preëminently successful in winning favorable court decisions. At the same time his ability to settle cases out of court and his skill as an advocate were universally recognized. Sincerity and energy were the characteristics for which he was best known as an attorney. Three elections to membership on the executive council of the Iowa State Bar Association testify to his popularity among his fellows.[142]

While Colonel Hepburn was winning an enviable reputation in his profession he was quick

to sense the needs of the community in which he lived.[143] On March 26, 1869, when a spirited convention was held in Clarinda for the purpose of organizing a company to promote the construction of a railroad in the Nodaway Valley from Van Meter to the Missouri line, Hepburn appears to have been one of the leading delegates, and he was elected secretary of the company. Nothing, however, came of the project, and prospects for a railroad through Clarinda were at a low ebb until February, 1872, when the Brownville and Nodaway Valley Railway Company was organized with W. P. Hepburn as one of the charter members. By means of a vigorous campaign thirty thousand dollars worth of stock was sold to the citizens of Clarinda and Nodaway Township. Hepburn not only subscribed to the capital stock but in addition made a donation to aid in building the road. Construction began in July, and on September 24, 1872, the last rail was laid between Villisca and Clarinda.[144]

Colonel Hepburn had not been in Clarinda three days before he was called upon to make a public address on the occasion of a reunion of old soldiers.[145] From that day, July 3, 1867, dates the period of his political influence in southwestern Iowa. Almost immediately he plunged into a heated campaign for the election of N. B. Moore to the State Senate. During the

months of August and September he spoke in every schoolhouse in Page County and in all the towns of the district, while the editorials in the Page County *Herald* voiced his most vigorous Republican arguments. Mr. Moore was elected and Hepburn gained a reputation for political sagacity.[146]

The following year he assumed a prominent place in politics. Both as a soldier and as a Republican he was intensely interested in the success of the Republican ticket. On the sixth and seventh of May, 1868, he was a delegate to three political conventions in Des Moines. Simultaneously with the Republican conventions of the State and of the Fifth Congressional District the soldiers and sailors of Iowa met to endorse the Republican candidates, to repudiate the administration of Andrew Johnson, and to select delegates to a national convention to be held in Chicago on May 19th. Hepburn acted as a secretary of the Congressional convention, and by the soldiers and sailors he was delegated to attend their national convention. Two weeks later he participated in the enthusiastic soldiers' and sailors' national convention which pledged "earnest and acting support to the Republican party", gave three groans for James W. Grimes and Andrew Johnson, and adjourned "subject to the call of the President." On the following two

days he attended the national Republican convention in Chicago where he witnessed the unanimous nomination of Grant upon the first ballot and heard the name of James Harlan mentioned for the Vice Presidency. During the campaign that summer his earnest and forceful manner made him "one of the most effective speakers in western Iowa". At the great Republican barbecue held in Des Moines on October 24th he delivered a brilliant speech.[147]

In 1869 no name was "more favorably mentioned" for Lieutenant Governor than that of Colonel Hepburn. Before the Republican State convention met, however, he requested that his name should not be used in that connection. No reasons were given. "This withdrawal will cause much surprise and also much regret, for the Colonel has many warm supporters," wrote the editor of the *Iowa State Register*. Southwestern Iowa seemed to be "pretty generally in his favor", while in political circles his chances had been counted good.[148]

In 1870 he was firm in his endorsement of Grant and the enforcement of the Fifteenth Amendment, but he found himself so completely out of sympathy with the administration in 1872 that he joined the Liberal Republicans in support of Horace Greeley. Political corruption was so perceptible in Washington, he said, that the man in the moon was compelled to hold

his nose while passing over. At a time when a man's standing in church depended upon membership in a Republican club it took courage for Hepburn to become a leader in the "miscegnation of the Liberal Republicans and Democrats" to defeat Grant. Confident of the success of this "great political enterprise", he attended the Liberal Republican convention in Des Moines and served on the committee to confer with the Democrats and report a joint ticket.[149]

Contrary to the expectations of those who organized the movement in Iowa, the election in 1872 did not result favorably for the Liberal Republicans. In the years that followed many of the members became Anti-Monopolists; but Colonel Hepburn, always loyal to Republican principles and hopeful that a new administration would renovate the departments in Washington, returned to his party in 1876. Furthermore, Anti-Monopolism in Iowa was almost entirely an anti-railroad movement so that it was impossible for Hepburn, a railroad attorney, to sympathize with such a program. In the Republican State convention held on May 31, 1876, he spoke bitterly against Democratic perfidy and urged the Republicans to keep up the struggle for the freedom of the negro. This speech was probably responsible for his nomination by acclamation as one of the Presidential electors-at-large.[150]

The *Iowa State Register* declared that exceptionally good men had been chosen to head the electoral ticket, and predicted that Hepburn would "lead in the fight with the fervor and the enthusiasm of real leadership." In various parts of the State the Colonel spoke in favor of the Hayes policy of reform in the civil service; and he supported conciliation with the South as a means of establishing fair administration for all classes of citizens, thereby proving himself consistent with his attitude in 1872 and demonstrating his inherent desire for honest government. At the close of the campaign it was asserted that there was no better orator in Iowa —"none that can more completely gain and retain the attention."[151]

XIII

First Election to Congress

The Republican convention of the Eighth Congressional District in 1880 furnished one of the closest political contests in the history of Iowa. Five months before the delegates gathered at the court house in Council Bluffs on Friday, August 13th, Congressman William F. Sapp, "in excellent health and spirits", returned from Washington to secure his third consecutive nomination for Congress. In April three other candidates were announced — all with military records. Major Albert R. Anderson of Fremont County, who was then serving his fourth year as district attorney, claimed nearly as large a following as Colonel Sapp. Some people thought that twelve years of experience in the General Assembly would make Lieutenant John Y. Stone of Mills County a strong candidate; while the Republicans of Page County were confident that there was no abler man in the eighth district than Colonel "Pete" Hepburn. A fortnight before the convention met Colonel Sapp and Major Anderson seemed to be well in the lead, although both Lieutenant

Stone and Colonel Hepburn had substantial support.[152]

At the appointed time the delegates were called to order, and the work of organization was quickly completed. Friday afternoon was well advanced when Lafayette Young placed the name of A. R. Anderson before the convention as a candidate for Congress. John W. Chapman followed with a speech in nomination of W. F. Sapp. In a few words T. E. Clark stated the grave responsibilities of a Congressman and asked the convention to nominate "a man whose very name elicits applause"—W. P. Hepburn from the banner Republican county of the district. Mr. Stone was nominated by S. V. Proudfit, and the four-cornered fight began.[153]

On the first ballot there were fifty-four votes for Sapp, thirty-six and one-half for Anderson, thirteen and one-half for Hepburn, and nine for Stone. Although Colonel Sapp received the unanimous support of the delegates from Audubon, Harrison, Montgomery, Pottawattamie, Ringgold, and Taylor counties, he lacked three votes of having a majority. Adams, Cass, Fremont, Shelby, and Union counties went on record for Anderson; ten votes from Page County and three and one-half from Union were cast for Hepburn; while the Mills County delegation voted solidly for Stone. With scarcely a waver in the ranks of the different

factions the voting continued at the rate of one ballot every two minutes during the remainder of the afternoon and evening until the weary delegates had expressed their choice of candidates one hundred and ten times.

On Saturday the convention kept on balloting. Roll call followed roll call with the same monotonous result. Fifty-four delegates persisted in voting for Colonel Sapp; while the remaining fifty-nine, though hopelessly divided, just as stubbornly refused to swell the support of the candidate from Council Bluffs by a single tally. When the one hundred and seventy-second ballot was announced and there was still no sign of a break the convention adjourned until the following Tuesday.

It was hoped that some decision could be reached during the recess, but the one hundred and seventy-third ballot was the same as the first had been — Sapp fifty-four, Anderson thirty-six and one-half, Hepburn thirteen and one-half, and Stone nine. The contest was developing into a test of physical endurance. Yet with all the maneuvering the fight was so open, so fair, and so free from wire-pulling that the best of feeling prevailed. It was said that T. E. Clark offered every cent he had — the princely sum of three dollars — for the use of the Pottawattamie cheering committee for ten minutes.

On Tuesday afternoon Colonel Hepburn cre-

ated a sensation by asking general consent to address the convention. In a short, candid speech he stated that party interests should be placed above the desires of any individual and inasmuch as the deadlock might prove to be injurious to Republican harmony he withdrew his name, hoping that his action would aid in settling the vexed question. Following this announcement, which was greeted with loud cheers, a well sustained effort was made to nominate Judge J. R. Reed of Council Bluffs. The boom was unsuccessful, however, and on the two hundred and sixty-seventh ballot Cass, Union, Page, Adams, and Shelby counties swung back to Hepburn with forty-one votes. After ten more roll calls the convention adjourned for supper.

During the evening session on Tuesday several "dark horses" were trotted out only to be driven into retirement after a few ballots. Anderson and Stone each enjoyed a brief season of hope until Hepburn again gave promise of taking the lead. For a while there were a few scattering votes for Lafe Young followed by an attempt to nominate J. W. McDill or John W. Chapman. Whispered consultations and caucuses were frequent and votes were cast with apparent disregard of consequences though in reality with the utmost caution lest perchance some candidate should receive an un-

intended majority. All through the skirmish for advantage the loyal fifty-four never faltered in their allegiance to Colonel Sapp. On the three hundred and twentieth ballot the convention voted exactly as at the beginning five days before.

When the delegates began to gather on Wednesday morning a general nervousness was perceptible. The Sapp contingent began to realize that it would be impossible to stampede the opposition. It was equally certain that without the help of the Sapp delegates the majority could not concentrate on any candidate. The delegation from Pottawattamie began to scatter and several new candidates were introduced. At one time it appeared that J. P. Flick would be nominated, but at the critical moment he withdrew and his followers turned to Hepburn. The dinner hour arrived but the convention refused to adjourn. The tide which had begun to flow in favor of Clarinda's favorite son could not be stopped.

At last came the fateful three hundred and forty-sixth ballot with sixty-one votes for Hepburn. Before the secretaries could announce the result the Page County delegation was "delirious with delight", and in another moment the excitement had spread through the whole convention. "Hats flew to the ceiling, one delegate swinging a linen coat from the

vantage ground of a table, another performed acrobatic feats on a chair that were astonishing, while the building shook with the wild cheering.'' Colonel Hepburn was conducted to the platform where he expressed his appreciation of the honor that had been conferred upon him and promised his best efforts toward success in the ensuing campaign.[154]

For Hepburn the homeward trip from Council Bluffs to Clarinda consisted of a series of ovations. At Red Oak three or four hundred people offered a hearty demonstration of good will. At Villisca he was met by an enthusiastic aggregation of fellow-townsmen headed by a brass band. When the train pulled into Clarinda a procession was formed, the future Congressman was placed in a carriage, and the crowd moved to the public square for a general celebration in the course of which several ardent speeches were made. After thanking the people for their kind reception the Colonel, mindful of the sacrifices of those who had contributed to his success, assured his friends that their fidelity would never be forgotten and pledged himself to labor earnestly for a great Republican victory in the eighth district.[155]

The nomination of ''Pete'' Hepburn was greeted with whole-hearted approval throughout the State. While the opposition to William F. Sapp was bitter in many parts of the district,

the feeling against Hepburn was confined to restricted sections. It was thought that he could do more than any other candidate to unite the various factions of the party. The *Iowa State Register* regarded the Colonel as "one of the most intellectual men in Iowa" who would "make a brilliant canvass, and a brilliant Congressman." As a popular speaker he was characterized as the "Ingersoll of the slope", perhaps one of the most "fluent, captivating, intelligent and instructive stump speakers west of the Mississippi river." The *Dubuque Times* could only pity the competitor of this "bright, dashing, brilliant, original, witty, ... and gifted politician". A Clarinda editor cherished the utmost confidence in his character and capacity. At a time when the Congressional delegation from Iowa was noted for the ability of its members, Hepburn was ranked among the most prominent.[156]

It was everywhere conceded that the Republican candidate would experience little difficulty in being elected in spite of all that the Democrats and Greenbackers could do. In the campaign Colonel Hepburn discovered that his record in 1872 was the stock argument of the opposition. Though he had stood for Republican principles all his life and had campaigned with James G. Blaine in 1879 there were some Stalwarts who feared that because he had

"bolted" once he was susceptible every now and then of being "thrown into a democratic cramp colic". He was not infrequently reminded that the man in the moon was still holding his nose. It was asserted that a Congressman with variegated politics would be governed by his whims rather than by sound judgment. If Hepburn should be elected the *Page County Democrat* hoped that he would "lay aside his overbearing and willful prejudices and treat mankind in a way that will in the future add more to his manhood than the way he has acted in the past." In August it was estimated that he would be elected by four thousand majority, but when the votes were counted in November his majority was more than five thousand four hundred, and he had a plurality of over eleven thousand.[157]

As early as February, 1881, Colonel Hepburn began to read up in parliamentary law and constitutional history. Upon the advice of Senator Samuel J. Kirkwood he went to Washington to attend the inauguration of James A. Garfield, his former comrade on the staff of General William S. Rosecrans.[158] By the middle of the following November he was again at the capital ready to assume his new duties. He took the oath of office as the Representative of the Eighth Congressional District of Iowa on December 5, 1881.[159]

XIV

Opposition to Pork Barrel Legislation

It was on the seventeenth of June, 1882, that William P. Hepburn first participated in debate on the floor of the House of Representatives. He proposed to strike out that portion of the river and harbor bill which authorized the construction of levees along the Mississippi River. In support of this amendment he contended that the only people who were interested in the improvement of the Mississippi River were those who desired to facilitate navigation and those who wished to protect adjacent land from inundation. It was admitted by the commission in charge of the work, he said, that the expensive levee system was not imperatively necessary to deepen the channel of the stream; so it appeared that those who advocated the construction of levees in reality cared nothing for the improvement of the Mississippi as a great highway of commerce but were looking solely to the reclamation of the overflowed lands of the farmers along the river. He feared that under the pretense of conducting a national work the country at large was being

saddled with a burden that properly belonged to the States.[160]

Thus it was that Colonel Hepburn in his maiden speech sounded the keynote of his most important work during the first three terms of his service in Congress. In every session he protested vigorously against the expenditure of money for public improvements which seemed to him unwise.[161] While there were some praiseworthy items in the river and harbor bill which he heartily endorsed he did not hesitate to voice his opposition to the use of public money for local works. If, in his opinion, the preponderance of the bill was good he gave it his vote — but not without first doing his utmost to eliminate the bad features.[162]

When the Civil War closed the Mississippi River to the commerce of the Northwest, the transportation of agricultural products to the Atlantic seaports was handled by the railroads; and never again did New Orleans regain her place as the great outlet of the Mississippi Valley. It was with that fact in mind that Congressman Hepburn approached the question of appropriating millions of dollars to deepen the Mississippi River by means of levees when the river could be made sufficiently navigable by removing snags and sand bars at comparatively small expense. He pointed out that when there were "volumes of water there that would float

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the navies of the world'' Southern Congressmen agitated improvement, but when the people farther north desired to make the stream navigable during periods of low water these gentlemen were not interested. Again and again he asserted that he was ''heartily in favor of proper appropriations for the improvement of the navigation of the Mississippi River'', but he was ''not in favor of appropriations for the improvement of the banks of the Mississippi River and the plantations on either side of it''.[163]

When the annual river and harbor bill came before the House in 1885 Hepburn arose to say that he did not approve of spending enormous sums for the improvement of the Mississippi River when not one of the ''distinguished engineers that have charge of this work has yet had the temerity to say in any official document that their plans will result in success. Year after year they come to us saying that the whole scheme is experimental in its character. . . . . Yet this bill permits the commission to go on in a lavish outlay of public money solely for the purpose, as I believe, of improving and enhancing in value the private property of citizens.''[164]

The cost of building an artificial bank in mid-river and covering at least one natural bank from Cairo to the mouth of the river with mat-

tresses made of wire and brush was estimated by a Congressional committee to be nearly a hundred million dollars. It was the "solemn judgment" of the same committee that levees were not "essential to the improvement of low-water navigation of the Mississippi, and that their construction for such a purpose can not be justified." Furthermore, there were many engineers who believed that the levee system would not be beneficial when the river was at flood, except to protect adjacent land from inundation. In the interest of improving the navigation of the Mississippi, therefore, rather than the private property along its course, Hepburn offered a number of amendments, the chief object of which was to prevent the construction of levees on property owned by private parties or municipalities, to abandon the levee system, or to confine it to the completion of experimental work already undertaken.[165]

Not only did Hepburn condemn the method of improving the Mississippi River but he was equally emphatic in his appeal for economy in carrying on the work. He was puzzled to know how the Mississippi River Commission could use fifty-four "full-fledged cooks". Neither did it appear reasonable, he thought, to pay almost half a million dollars annually to civil engineers while there were nearly fifteen hundred West Point graduates, educated by the government,

who were "loitering away their time at frontier posts, where they are absolutely doing nothing; and by a proper detail they might be placed in such a situation that they would be earning their monthly pay" and at the same time "carry on with increased efficiency these various needed improvements."[166]

Another feature of the river and harbor bill of 1885 which provided for the improvement of the harbor of Galveston, Texas, at a cost of nearly nine million dollars prompted the Colonel to inquire if it would not be cheaper for the United States to move Galveston to a harbor than to try to move the harbor to Galveston. While he had "no objection to the appropriation of a reasonable sum to accomplish this improvement", he thought there should be a proper relation between the expenditure and the importance of the project. Statistics proved that the total value of the exports of Texas was less than thirty million dollars annually, that the production of corn and wheat was insufficient for domestic consumption, and that of the six million cattle that roamed over the prairies of the State not seventeen thousand dollars worth had been shipped from Galveston in 1883. "Would it not be better", he asked, "to pack the attenuated carcasses of her beeves in their immense and wondrous horns and float them out to vessels over the Galveston Bar?"[167]

It was during the Forty-ninth Congress that Hepburn made his most determined fight against the practice of appropriating money for local and unnecessary public works. When the river and harbor bill came before the House for debate he took the floor to oppose the wasteful features of the bill. He believed that some of the proposed appropriations were "without any justification or without any warrant whatever", that they were "simply a prodigal, wasteful throwing away of the people's money." With an insight that disconcerted the opposition he pointed out the "jokers" in the bill, denouncing the attempt to secure funds for unknown rivers and harbors under the guise of reputable internal improvements.[168]

The whole bill, he asserted, was characterized by appropriations for works of absolutely no importance in interstate commerce. "What right have you of Louisiana to tax the people of Iowa in order to raise your lands above the point of overflow?", he exclaimed in the heat of his argument against levees. "There are $10,000,000 appropriated to States and improvements within the limits of States, and eleven gentlemen upon the committee that draughted this bill have secured more than six millions out of a total of ten millions. And yet we are told that there is no locality favored, no sectionalism in this bill."[169]

In reply to a charge that he opposed the river and harbor bill because there was no appropriation in it for Iowa, Hepburn indignantly inquired if no man had a right to talk about it "except those that have got interests in it, except those that have got appropriations for their own States, that have some of the pork in the barrel?"[170] He decried the policy of distributing appropriations to the advantage of the localities represented in the Committee on Rivers and Harbors. "Look at Michigan!", said he. "She has been well represented in the committee; magnificently in the bill. I doubt whether there is an inlet to the land from the surrounding lakes which has not a place in this bill. They are all named without regard to the unpronounceable character of their names."[171]

Although the improvement of the Missouri River along the western border of Iowa was agitated, that project did not beguile Hepburn from his position. He steadfastly refused to squander money for public works which he deemed impracticable. Not more than ten steamboats had passed Council Bluffs in five years, he asserted without fear of contradiction. Over a stretch of more than a thousand miles there was absolutely no commerce for the benefit of which the Missouri River should be made navigable. Furthermore, he thought it would be utter folly to attempt to control a stream

that changed its course a distance of eight miles in a single night and during periods of high water became "a roaring, raging torrent, extending from bluff to bluff, overwhelming the whole country".[172]

In the course of the debate it was insinuated that the Congressman from the eighth district of Iowa opposed the improvement of the Missouri River because he was a friend of railroad monopoly. Since the whole purpose of making the river navigable was to furnish cheap transportation to compete with the railroads, ran this argument, he who opposed the one must *ispo facto* favor the other. "There is no railway in the world that I have any more interest in than any other citizen of the United States", said Hepburn in reply. "I am not one of those . . . . always ready to howl against corporations of this kind because in certain circles and among certain men it is popular, because there are votes to be had by that kind of procedure."[173]

From the time Colonel Hepburn entered Congress his opposition to the river and harbor bill became more determined each year until in 1887 he was ready to resort to every legitimate means of preventing the passage of the obnoxious measure. He frankly proposed to go as far as the rules of the House would permit in order to obstruct any bill which he believed

to be essentially wrong. If it were not for the "joining of interests and the securing of the assent of members by appeals to them in the direction of their personal and local interests" the bill, he was confident, would not receive the support of half the members of the House; and on the basis of that assumption he challenged the attention of the country to every section.[174]

So successful were the parliamentary tactics of "the great triumvirate"— William P. Hepburn of Iowa, John A. Anderson of Kansas, and Robert M. La Follette of Wisconsin — that the friends of the bill threatened to cut off debate by suspending the rules.[175] During the greater part of three sittings of the committee of the whole the filibuster continued. Now it was the exasperating cry of "no quorum" on almost every vote; now it was a tedious call of the yeas and nays; now it was a meaningless amendment to strike out the last word; now a frivolous point of order was debated; and now the clerk was directed to read the entire bill. Thus the contest waged until debate was closed and the bill passed in precisely the same form in which it had been introduced nearly three weeks before.[176]

In spite of the fact that he was censured for taking advantage of the rules of the House and delaying legislation for the selfish purpose of obstructing a measure that was certain to pass,

that he was accused of working in the interest of monopolies, and that he was chided for making Pickwickian speeches, Colonel Hepburn never faltered in his opposition to the river and harbor bill — although he realized that nothing he could say would change the attitude of any of his colleagues. There were some features of the bill which he would have been glad to support, but he was unwilling to obtain the improvement of the great waterways and harbors of the country at the expense of paying a still larger amount for the improvement of unknown streams and inlets. "Would it be courtesy to intimate", said Hepburn during the last day of debate in the committee of the whole, "why there might be a reason" for a Michigan Congressman advocating the bill? "Michigan is not known for its great rivers that enter into the interstate commerce of this country. And yet there are provisions for the improvement of seven of those rivers. Twenty-three slices of the pork that are in this barrel go to the peninsular State of Michigan."[177]

XV

An Advocate of Pensions

Before William P. Hepburn had completed his third term in the House of Representatives he was acknowledged to be one of the leaders on the Republican side. His determined fight against the River and Harbor Bill made him a national figure, while on the floor of the House his remarks on any subject commanded the attention of friends and opponents alike. It was said that he possessed "one of the sharpest tongues in Congress"; which had earned for him a reputation for aggressiveness in debate. A newspaper correspondent asserted that he would "fight a buzz saw going in either direction." Thoroughly familiar with parliamentary methods of obstruction, fearless of adverse opinion, and quick at retort he was well qualified to lead the minority in opposition to the Democratic legislative program.[178]

It was in connection with military and pension legislation that Hepburn most frequently engaged in partisan controversy. The antipathy of the "Southern brigadiers" to liberal pensions for old soldiers of the Union army

brought the Colonel to his feet on several occasions with a scornful denunciation of the tactics of Southern Democrats and their Northern allies. "I tell you, sir," he exclaimed toward the end of the debate on the question of passing the Dependent Pensions Bill over President Cleveland's veto, "that while those gentlemen [Andrew J. Warner and Edward S. Bragg] did occupy honored places in the great army, and were everywhere esteemed, yet they are looked upon by the Grand Army to-day, when they rise in their places here to denounce their old comrades as vagabonds and scamps and perjurers and the scum of humanity", much in the same light that the traitor Benedict Arnold was regarded by his former comrades in arms. Toward the Congressmen who had worn the Confederate uniform Hepburn was scarcely less scornful; for it was they, he said, who would sustain "the President's cruel veto". "Not one of our Southern brethren, for political reasons, has had the courage of his convictions and dared to speak here as he will vote. Why? Because it would challenge the attention of the Northern Democratic soldiers to this united opposition of those that once were opposed to us".

For "terseness of expression, for clearness of statement, for force of logic, for clear cut eloquence, I never heard it [the speech on the

pension bill] excelled during all the years which I have served here", said William D. Kelley in congratulating Hepburn, "and I do not forget Henry Winter Davis, or Robert C. Schenck, or Thaddeus Stevens, or the brilliant Wadsworth."[179]

That the friendship of Colonel Hepburn won the life-long gratitude of the old soldiers is evidenced by thousands of letters. If you "share your last biscuit" with a man, said he, "if you go hungry with him, and then observe how he bears himself, and the fortitude he brings to the service . . . . if you march with him in the battle's line when the shot and shell are bringing death and ruin on every hand; if you see that there is no flinching there, but that he is ready to go on to the line, and over the line, you then have an opportunity to test the manhood and see the qualities that are in him, and that bind your heart to his for all time, no matter where you meet . . . . because you know that the comrade is worthy of the clasp of your hand". Toward the man who had devoted the best years of his life to the preservation of the Union the Colonel believed that the United States government could not be too generous.[180]

During the forty-seventh, forty-eighth, and forty-ninth Congresses he presented nearly sixty petitions in the interest of his comrades,

and he introduced more than that number of private pension bills. Of the pension bills he introduced twelve became laws, three more passed the House but failed in the Senate, and one was vetoed by President Cleveland. The proposal to establish a soldier's home west of the Mississippi met his hearty approval; and when it was discovered that in spite of the overcrowded soldiers' homes there were more than nine thousand honorably discharged soldiers of the Union army in the poorhouses of the country, he advocated the appropriation of two million dollars to be distributed in the form of outdoor relief to these needy men. In 1887 he voted for the Dependent Pensions Bill both on its initial passage and again in opposition to the President's veto.[181]

The Southern Democrats were none too friendly toward the old soldiers of the Union army — an attitude which led the Republicans to make charges of sectionalism and lack of patriotism. To these aspersions the Democrats replied by disparaging the Republican administration and deploring the practice of "waving the bloody shirt". The climax was reached in Hepburn's tilt with General Joseph Wheeler over the war record of Edwin M. Stanton.

On May 11, 1886, the former Confederate cavalry leader in the heat of debate had referred

to Mr. Stanton as an "arch conspirator". Colonel Hepburn was on his feet in an instant to say that Stanton "was the man who directed, as no other living man could, all of the maneuvers and operations of the Federal Army . . . . That whipped you back into your allegiance to the Government. [Applause on the Republican side.] He was the man who made it possible for you to be here in this exalted place to be his maligner and slanderer. [Applause on the Republican side.] He is dead now and can not answer you, but notwithstanding you try to blacken his memory, although you live to-day because that man was willing, among others, that you might live and not have the halter around your neck that you had won."[182]

On June 4th General Wheeler obtained unanimous consent to "reply to the unjust reflection which emanated from the gentleman from Iowa." For an hour and a half he addressed the House, nearly every moment of which was consumed with an assault upon the conduct of Secretary Stanton during the Civil War: he was constrained to substantiate his assertion that Stanton had "sought to conspire to drag down officers who did not conform to his views", or else confess that his charge had been unfounded. By means of garbled quotations and false conclusions he endeavored to prove

that Stanton, as Attorney General, had violated the confidence placed in him by President Buchanan, that he had worked for the arrest of Isaac Toucey, that he had cruelly contrived to cause the execution of Mrs. Mary E. Surratt, and that he had caused the removal of General George B. McClellan from the command of the Army of the Potomac after the Federal victory at Antietam. Toward the end of his remarks he spoke in eulogy of the magnanimity of General Grant and President Lincoln in which there was "no thought or suggestion of one man's sovereign grace; no talk of the hangman's noose. That was reserved for a later day, and, I regret to say, for a widely different character." He closed with the sentiment that "the country should be congratulated on the fact that in all this broad land there has been found only one man who was willing to put it upon record in the American Congress that in his opinion half a million of American citizens could properly have been executed because as far back as before some members of this House were born they had entertained views of duty different from those held by the gentleman from Iowa."[183]

Two weeks later Colonel Hepburn replied. After pointing out numerous inconsistencies in General Wheeler's speech, he boldly asserted that "in every scrap of quoted proof the gentle-

man has adduced he has garbled it. He has violently wrenched it from its context or omitted material parts, that had they been properly placed or fully quoted'' would not have borne the impression of treachery or betrayal of administration secrets but rather would have placed Stanton ''in the line of exalted patriotism, advising his copatriots as to dangers impending over their common country.''[184]

Tall, well-built, and erect Colonel Hepburn seemed to typify the loyal men who had devoted their best efforts to preserve the Union. As he faced the former enemies of those men, his square jaw and keen eyes bespoke the same courage and determination with which the man he was called upon to defend had conducted himself. His plain, eloquent words in behalf of the administration that prosecuted the war seemed to disconcert the opposition led by Southern members. As Wheeler's assault on Stanton may have been prompted by a desire to popularize himself at home where loyalty to the Confederate cause was still received with acclaim, so Hepburn's reply seemed to abash the Democratic leaders while it inspired the Republicans to renewed activity.[185]

One after another he took up the charges that Wheeler had marshalled against Stanton and disposed of them with a dignity and finality that admitted of no further debate upon the

subject. So forcibly did he contrast the loyal conduct of the Secretary of War with the treasonable acts of Mr. Toucey that "the duty of all loyal hands to aid in dragging him down" seemed obvious. He showed that General McClellan was not removed until his incapacity had been proven beyond a doubt. Two men, of whom one was the "honest and honorable" Judge Advocate General, Joseph Holt, he cited as authority for the fact that Mrs. Surratt was not a victim of Stanton's arbitrary harshness. If Wheeler had sincerely wished to deprecate the atrocities of the war, Hepburn thought he might have discussed "the cruelties of the conscription laws of the Confederate States" whereby many loyal men were forced into a service they abhorred, or he might have criticized "the outrages and cruelties of Salisbury and Andersonville".[186]

In reply to the personal references in Wheeler's speech, Hepburn claimed no credit for the idea of hanging traitors—that he had learned from Andrew Jackson the study of whose writings he commended to Southern Democrats. Treason, he said, was defined by the Constitution to which General Wheeler had four times sworn allegiance, and if the gentleman "has levied war against the United States; if he has adhered to its enemies; if he has given them aid and comfort, he ought to be able himself to

settle the question as to how he should be punished." Hepburn further believed that the spirit of the General's parole required something more than "merely the sheathing of the sword": it implied that there should be "no more of vilification and slander" against the government that granted the parole.

"I say to the gentleman that if he wants peace", said Hepburn in conclusion, " if he really desires an era of good feeling, let him keep his sacrilegious hands off our noble dead. . . . I will not submit to have those men, whose memories are embalmed in our hearts, whose memories we revere, the recollection of whose heroism, whose matchless services, whose sacrifices we remember — I will not tamely submit to have them derided, assailed, misrepresented by him."[187]

XVI

State Politics

While Colonel Hepburn earned an enviable reputation for industry at Washington during his first three terms in Congress he by no means neglected his political duties at home. Although half of his constituency was new in 1882 on account of the redistricting of the State,[188] it was conceded in March that he would be renominated without opposition. This prophecy proved to be well founded, for the Republican Congressional convention in the eighth district named him by acclamation, and at the election in the following November he polled a majority of nine hundred and nine votes over the combined vote for Bennett, the Democratic candidate, and D. M. Clark, the Greenbacker. In 1884 he was again nominated by acclamation and led his Democratic opponent by nearly two thousand votes at the election.[189]

The gubernatorial campaign of 1883 was one of the most spirited political contests in the history of Iowa. Prohibition was the chief issue. An amendment to the constitution prohibiting the manufacture and sale of intoxicat-

ing liquors had been ratified by a majority of nearly thirty thousand votes in June, 1882, but had been declared invalid by the Supreme Court in January, 1883. Sorely disappointed the prohibitionists turned their efforts toward influencing the political parties to take definite action at their State conventions which were to be held during the summer. The Democrats adopted a platform in opposition to constitutional prohibition and advocated "a well regulated license law"; the Greenbackers declared that the manufacture and sale of intoxicating liquor should be prohibited and denounced Governor Buren R. Sherman "for permitting the will of the people to be overthrown"; while the Republicans pledged their party to the task of establishing and enforcing prohibition. But long before the State conventions met, party issues were widely discussed by the people and preparations were made for an extensive campaign. The newspapers presented the issues in every conceivable light and speakers of national prominence were called to the aid of their respective parties.[190]

Among those whom the Republicans pressed into service was William P. Hepburn. At the State convention he was chosen as one of the vice presidents, and he participated in the renomination of Governor Sherman who, twenty-four years before, had been admitted to the bar

upon Hepburn's motion. The attitude of the Republican party on the liquor question met the Colonel's whole-hearted approval. For a long time he had been "a prominent lecturer and worker in the temperance cause": in 1881 he had been one of the leaders in organizing the movement for constitutional prohibition in Iowa; while in Congress he had served on the Alcoholic Liquor Traffic Committee and had combated the prevalent idea that the liquor industry was essential to the welfare of the country. "The stoppage of every one of the 844 distilleries would have no more effect upon the price of corn than the passing summer shower would have on the back of a duck", he exclaimed, while as to the claim that the revenue from the liquor business built the nation's public improvements he declared that whiskey was indeed responsible for many of our public edifices but not for "our capitols, not our seminaries of learning, nor yet our schools of art. It has erected our jails and poorhouses, our insane hospitals, and our penitentiaries; and here and there a gibbet is seen in the land that it too has erected." It was his belief that "the 'industry' might cease to be and no man would be the worse for its disappearance. But all men in every strata of society would have added prosperity, added blessing, additional hope. . . . No day ever dawned upon the nation or

people brighter or more fraught with blessing than that good day coming when the evil flowing from this 'industry' shall by wise prohibitory laws, backed by a more perfect civilization, be driven from the land."[191]

The most spectacular feature of the political campaign in 1883 was a series of eleven joint debates arranged between Governor Sherman and L. G. Kinne, the Democratic candidate for Governor. James B. Weaver, the Greenback nominee, asked the privilege of participating in the discussions, but his request was refused. Thereupon he shrewdly made appointments in the evening of the same days and at the same places where the joint debates were to be held in the afternoon.[192]

The first meeting was at Independence on August 29th. After the Republican and Democratic nominees had finished their speeches General Weaver asked the privilege of making an announcement, but the Republican campaign manager shouted: "Sit down, this is *our* meeting." It was proposed that the General engage in a debate that evening with Colonel Hepburn, but Weaver refused to debate with anyone except candidates for Governor. The Republicans then announced that Hepburn would speak after Weaver, but when the General came upon the platform in the evening he declared, "I can now say to the Republicans

that this is *my* meeting and no Republican shall speak from this platform this evening, and there are a thousand men in this audience who will see that he don't." So Colonel Hepburn had to be content with delivering his speech at Independence two days later.[193]

In his address at Independence the Colonel first cautioned the young men who were soon to form their political affiliations to think well before they became allied with the Democratic party which had supported slavery, opposed internal improvements, encouraged wild cat banking, attempted to thwart the government in putting down the rebellion, and befriended foreign labor instead of fostering American industries. He then replied to General Weaver's attack upon the integrity of William B. Allison, and ended with an extended discussion of the liquor situation. He appealed to "all who are on the Prohibition side of this question to stand firmly in this contest", to waive their political differences, and to permit a fair test of the prohibitory law. After comparing the fight against the liquor traffic to the battle of Lookout Mountain he closed with these words: "Remember that we are almost at the top; that we have passed up the mountain side; that the clouds are below us, not above us; that the storm has passed; that we have gone over the outer line of intrenchments. . . . that we

will have a grand, glorious, overwhelming victory if we but stand in our places, moving shoulder to shoulder, keeping our lines well dressed and directing all our energies toward overcoming the common foe."[194]

While the liquor question was the dominant issue in Iowa during the campaign of 1883, it was overshadowed during the years that followed by the transportation problem. This was one of the most complex periods in American politics — a period characterized by the "increasing influence of economic forces upon the course of politics". Continued hard times among the farmers due to over-production, the financial situation, trusts, speculation in farm products, and exorbitant transportation rates caused the agricultural classes to organize for relief through political channels. A tendency among voters to break away from the old parties gave an unusual advantage to the so-called independent candidates who made big promises of financial reform, anti-monopoly legislation, and railroad regulation.[195]

During the spring of 1886 there seemed to be little doubt in the eighth district that William P. Hepburn would be his own successor in Congress. "We think the people of the 8th district will serve themselves best by retaining Mr. Hepburn in the House until such time as he may be called to the Senate", wrote the editor

of the Centerville *Citizen* on May 12th.[196] A week later he congratulated the people of that district "on being represented by a man who occupied so prominent a position among the noted men of the nation" and predicted that the Colonel's constituents would be "slow to exchange him for a new and untried man." His work of protecting Iowa cattle from pleuropneumonia brought into the State by Texas herds, his efforts to impose a tax on oleomargarine and to regulate the manufacture and sale of bogus butter, and his support of measures to relieve settlers in the Des Moines Valley by quieting the title to the "Des Moines River lands" secured the good will of the farmers.[197]

The Republican Congressional convention which met in Chariton on June 16th nominated Colonel Hepburn on the first formal ballot with only two dissenting votes. Furthermore, the convention resolved to "endorse and sustain him in his gallant defense of the Union cause and of our Union heroes, living and dead; in his bold and outspoken exposition of Democratic frauds, shams and steals; in his grand fight in the interest of that great Western industry, the dairy, in being a true man, true to the public and private interest of his District and of the State and Nation."[198]

In the midst of apparent harmony, however,

there was one discordant element: on the informal ballot in the convention twelve delegates had cast their votes for Major Albert R. Anderson of Fremont County. It was in April, 1886, that Fremont County had been added to the eighth district — an event fraught with importance in connection with the Congressional campaign of that year. At Imogene in Fremont County a public meeting was held on July 10th at which Major Anderson was brought out as an independent candidate for Congress on a platform favoring tariff for revenue only and opposing railroad pools and special rates. Twelve days later his candidacy and the Imogene platform were endorsed by the Democratic-Greenback fusion convention at Osceola. So the race for Congress in the eighth district became a choice between two Republicans. Both candidates had good military records and both had been aggressive partisans in the Republican party. Major Anderson had become a "democrat and greenback 'for revenue only.'"[199]

On August 21st Colonel Hepburn opened his campaign at Shenandoah with a speech in which he assured the people that while he had been in Congress he had voted with his party and as his constituents would have done on every occasion. He admitted that he did not vote for free and unlimited coinage of silver

because that would have enabled the silver mine owners (less than twenty-five men) to take their silver to the mint and receive for it approximately one-fourth more silver dollars than the value of the bullion — a clear profit of twenty-five cents on every dollar coined. That he was a friend of monopolies he emphatically denied, and cited as proof his votes for the forfeiture of millions of acres of public land that had been granted to railroads.[200]

In discussing the transportation question he simply reiterated the arguments he had used on the floor of the House of Representatives. He explained that he had favored the Cullom Bill and voted against the Reagan Bill because every advantage claimed for the Reagan Bill was provided by the Cullom Bill, and in addition the latter established a commission to investigate all complaints against the railroads. As he had said a month earlier in Congress, the Reagan Bill simply recommended "the aggrieved individual to litigation — litigation in the courts, in which all the odds of wealth, experience, and knowledge of the subject-matter involved are against him. . . . Under the other bill this is not true. He has a friend at court. It becomes under the Cullom bill the duty of the commission — skilled men, experts on the subject of transportation — to investigate for him and ascertain the very facts, to

furnish the very proofs of all that he may need.'' Furthermore, he pointed out that while the Reagan Bill prohibited only the pooling of earnings the Cullom Bill made it unlawful also for different and competing railroads to combine for the pooling of freights in the interest of exorbitant rates — a much more serious offense. While the public need have little concern with the disposal of railroad earnings, the way those earnings were secured was of vital interest to everyone.[201]

The inconsistency of Major Anderson's position as an anti-monopolist was disclosed by reading from the reports he had made as a State railroad commissioner. It appeared that he had consistently concurred in decisions favoring pools and special rates and had renounced all power of the State over interstate commerce until the last month of his term as railroad commissioner. But when he learned that he would not be reappointed he handed down a decision in the Barber buggy case in which he held that the State could prevent unjust discrimination and unreasonable freight rates even though the freight crossed a State line in transit. On this one decision he based his claim to be considered a friend of the people in their fight against railroad monopoly.[202]

The attitude of the Republicans toward the contest in the eighth district was reflected in

the State convention on August 25th. Colonel Hepburn was "greeted by round after round of applause" when he took his place as permanent chairman, while the Anderson delegates from Fremont County failed to be seated. Earlier in the summer talk of Anderson's election had been characterized as "arrant nonsense", and the action in the Republican convention seemed to justify that assertion.[203]

Whether Major Anderson felt that his record on the railroad question was unfavorable or whether he feared Colonel Hepburn's skill in debate he seems to have been reluctant to engage in a series of joint discussions. When W. O. Crosby, the chairman of the Republican district committee, proposed some joint debates and suggested the places, dates, and rules Anderson replied: "I must beg leave to suggest to you, my dear sir, that my candidacy is not instituted altogether with reference to the pleasure of your candidate, and that I shall ask to have somewhat to say as to the conduct of my part in the canvass in this district". So he fixed the dates for eleven joint discussions. Mr. Crosby then named the county seats as proper places and left the order of speaking to be determined by Major Anderson within ten days. This arrangement was "entirely satisfactory" to the Major, "save as to permitting you to name the places where the joint debates

are to be held. I do not consent in each instance to the county seat and will send you within the ten days the names of places where I desire the joint debates, as well as the order of discussion."[204]

The first of the joint debates was held in Centerville on September 18th. Both candidates spent most of their time discussing the transportation problem. Major Anderson began by declaring that he was a good Republican and asking forgiveness from the Democrats and Greenbackers for the hard things he had said of them. After mentioning the tariff he launched into the railroad question. Pooling by railroads he pronounced to be criminal. He expatiated on the merits of the Reagan Bill and denounced his opponent for supporting the Cullom Bill, to which he objected on account of the provision for an interstate commerce commission which he feared would become a tool of the railroads.

In reply Colonel Hepburn showed that the Major had materially changed his views on the subject of railroad pools since, as a railroad commissioner, he had explained that the breaking of the pool in southwestern Iowa was detrimental to the mercantile interests of the country. Moreover, if Anderson had always believed that pools were criminal, why had he not taken cognizance of the violation of the law

when he was prosecuting attorney of the district in which the southwestern pool was located. The Colonel then spoke of the advantages of the Cullom Bill and ridiculed Anderson's intimation that there were not five honest men in the United States to compose an interstate commerce commission. As an additional reason for his support of that measure he read a concurrent resolution, passed by the Twenty-first General Assembly with only one dissenting vote, instructing the members of Congress from Iowa to vote for the Cullom Bill. Turning toward Edward J. Gault, one of Anderson's ardent supporters, he charged him with voting in the State Senate not six months before for this identical resolution.[205]

As the campaign progressed interest centered more and more in the transportation question. In spite of Colonel Hepburn's best efforts and the convincing support of "Tama Jim" Wilson, the agricultural classes clung to the belief that only the most drastic measures would be successful in regulating the railroads. Perhaps the cartoons and powerful editorials published by Henry Wallace in the *Homestead* did more than anything else to alienate the farmers.[206]

Whatever may have been the combination of circumstances which caused the political hysteria in the eighth district in 1886 the result was the election of Albert R. Anderson by a

majority of twenty-two hundred and twenty-five votes. Hepburn received a narrow majority in only four counties, all in the eastern half of the district; while Anderson carried his home county alone by seventeen hundred and ninety-six votes. Thus it was that Fremont County not only furnished the candidate who defeated Colonel Hepburn but contributed all but four hundred and twenty-nine votes of Major Anderson's majority.[207]

Unlike many Congressmen who fail to be re-elected, Colonel Hepburn disdained to haunt the White House

> Crooking the pregnant hinges of the knee
> That thrift may follow fawning.

When he found himself again in private life on March 5, 1887, he began once more the practice of law. On May 24th he received a letter from his friend Robert Harris, a high official of the Northern Pacific Railroad Company, inquiring: "Would you be willing to entertain the idea of going to St. Paul as the Attorney of this Company?" From the correspondence that followed it appears that Colonel Hepburn was entirely willing, but for some reason the arrangement was never made. "If you have not selected some large city for your future field of work I know of no such promising condi-

tions as those which exist in Washington Territory", wrote Mr. Harris in November.[208]

By that time, however, the Colonel was seriously considering his chances of being elected to succeed James F. Wilson in the United States Senate. As early as March 2, 1887, following his eloquent invective against those who sustained President Cleveland's veto of the Dependent Pensions Bill, a friendly newspaper suggested that "Iowa should send a soldier to the United States Senate, and that that soldier should be Hon. W. P. Hepburn." In April it was said that the sentiment in favor of sending an old soldier to the Senate was growing very fast and was likely to "become a sweeping tornado, carrying everything before it, in which case the only person who would be named for the position would be Col. W. P. Hepburn of Clarinda". The fact that there were twenty-four ex-Confederates and only nine Union soldiers in the Senate augured strongly in his favor. Moreover, the suggestion that a man should be selected from the western part of the State favored Hepburn's candidacy.[209]

As the time drew near for the General Assembly to convene both Wilson and Hepburn established headquarters at the Kirkwood Hotel in Des Moines. The Colonel was greeted warmly by his many admirers, and during the

next few days the political pot boiled furiously. Although the opposition to Wilson was decided, it was unorganized: some favored Judge J. R. Reed of Council Bluffs, while others were for Governor William Larrabee. Most of Hepburn's support came from his friends in the Grand Army of the Republic.[210]

On the evening of January 10, 1888, the Republican caucus met to select the party candidate. It appears that the meeting was called at an unusually early date and in an irregular manner, much to the vexation of the Hepburn contingent. When the caucus had been called to order a motion to postpone nomination was defeated by a vote of forty-seven to forty-five. Thereupon Timothy J. Caldwell withdrew the name of William P. Hepburn in an impassioned speech, charging the Republican party with being profuse in praise of the old soldiers but failing to do anything for them when it came to offices. With Hepburn out of the race Wilson was nominated by a large majority. Nevertheless it was "a compliment no less to the individual than the principle involved that without any preliminary organization, and in the face of every disadvantage in the conditions of the contest," Colonel Hepburn had "showed a positive strength that forshadowed his nomination had the caucus been held at the usual time."[211]

On March 21, 1888, the Republicans of Iowa

assembled in Des Moines for the purpose of presenting to the nation a candidate for the office of President of the United States. In a brilliant speech the famous young orator, J. P. Dolliver, proposed the name of William B. Allison, "a representative western statesman". Following the adoption of resolutions portraying the character and ability of Senator Allison a number of the leading Republicans of Iowa addressed the convention. William P. Hepburn, one of the delegates selected to attend the national convention in Chicago, delivered a stirring speech, and again at the big ratification meeting in the evening his remarks were greeted with hearty cheers.[212]

More than a week before the national convention was called to order on June 19, 1888, many of the Iowa delegates, including Colonel Hepburn who was "a host in himself", were in Chicago doing good service for Senator Allison. During the first two days of the convention the Colonel was kept busy with his duties as the chairman of the committee on credentials. About noon on the third day the nominations for President began. As the roll of the States was called Illinois was the first to respond, and for a few moments the convention hall rang with the name of Walter Q. Gresham. Then came Indiana; and Albert G. Porter presented the name of Benjamin Harrison.

It was three forty-five o'clock when the secretary called the State of Iowa. Amid tremendous cheers Colonel Hepburn ascended the platform and commenced to speak. "It is the laudable ambition of every member of this convention that today we pursue such a course as to deserve and win success at the end of this campaign", he began. After extolling the virtues of the Republican party he announced that the State of Iowa bade him name William B. Allison as a man fit to be the President of the United States. For a few moments the speaker was interrupted by cheers and then he continued. "Of all living men he is the one we most do honor. Iowa asks his selection. It is the prayer of that State that has been more true to Republicanism than all others that have been truest. All others have sometimes wavered. Iowa never. In all others at some time in your history some part of your ticket has met defeat. In Iowa never. In thirty-four years of consecutive victory no man has been inducted into a State office or been accredited to the National Senate who did not follow your flag and march in your column."[213]

For fully half an hour Colonel Hepburn spoke of the record of Mr. Allison, written in the legislation of a quarter of a century. There were bursts of applause as he declared that the people would not find Allison "usurping the

functions of a coördinate branch of the Government and hundreds of times thwarting the legislative will by a reckless and wanton use of the veto power", "sneering at the old veterans", "returning Rebel flags, those honored trophies of grand victories, to Rebel archives", or "paltering about home rule in Ireland" and then consenting to the disfranchisement of six hundred thousand free American citizens by keeping "the name of Dakota from the shield that designates a State." On the contrary the Colonel predicted that Iowa's favorite son would be "true to country and the principles of our party. Wise in determining the better course, courageous in pursuing it, honest in the administration of public affairs, calm, deliberate, conservative, kind and honest, giving the country an administration that would meet the demand and secure the benediction of a contented people." As the speech closed there was prolonged cheering led by the Iowa delegation and swelled by Maryland and the Territories.[214]

Before the convention adjourned that evening five more candidates had been named. The balloting began on the following day without any indication of the final result. At one time a number of influential delegates, representing enough votes to nominate, held a meeting and agreed to swing the convention to Allison; but at the last moment the New York delegation re-

fused to support a candidate who represented the agrarian element. The result was the nomination of Benjamin Harrison.[215]

Colonel Hepburn returned from a trip to Washington and New York just in time to cast his vote for Harrison on January 14, 1889, along with the other Presidential electors in Iowa. About the same time rumors began to circulate in the national capital to the effect that "Pete" Hepburn was booked for a place in Harrison's Cabinet. There seemed to be "a great deal in the Hepburn movement", according to one dispatch from Washington. By the first of February, however, when Allison refused to become Secretary of the Treasury, it was generally believed that there would be no Cabinet position open to an Iowa man.[216]

On the eve of the President's inauguration Hepburn was mentioned for the office of Commissioner of Patents. Indeed, nearly a month before he had been promised the support of many prominent Republicans and the entire Iowa delegation in Congress if he would apply for the position. It appears, however, that he had hopes of being placed on the Interstate Commerce Commission. His friend, Robert Harris, wrote a strong recommendation to Vice President Levi P. Morton and Senator William M. Evarts in which he declared that while Hepburn was the attorney for the Chicago, Burling-

ton, and Quincy Railroad Company in Iowa the Colonel had "by his fair and broad spirit, earnest sympathy with the community, his absolute integrity and his ability as a lawyer greatly aided the managers in keeping in accord with the public."[217]

John M. Thurston, general attorney for the Union Pacific Railroad Company, declared that he could not "express in the English language the high appreciation" he entertained for Hepburn and urged the Nebraska delegation in Congress to join in presenting the Colonel's name for a place on the Commission. To the President he felt "no hesitation in saying" that W. P. Hepburn was the best man who could "be found for this position in the United States and his appointment would give unqualified satisfaction to the whole western people."[218]

Grenville M. Dodge informed the President that the "unquestioned ability, integrity and fairness" of Mr. Hepburn "eminently fitted" him to be a member of the Commission. Apparently President Harrison had plans of his own, however, for on April 16, 1889, "reposing special trust and confidence in the Integrity, Ability and Learning of William P. Hepburn of Iowa" he appointed him to the office of Solicitor of the Treasury.[219]

XVII

Solicitor of the Treasury

The appointment of William P. Hepburn to the office of Solicitor of the Treasury seems to have elicited general approval. "Please accept my humble but very sincere congratulations upon your appointment", wrote R. I. Holcombe from St. Paul. "It is not what you ought to have, but will suffice for the present. Looking over a volume of British heraldry the other day, I find that the ancient motto of the Hepburns of Scotland was *'Expecto'*— I wait."

Mr. J. C. Cook had less faith in future prospects: although he was glad to see the Colonel get the job he could not help thinking that his friend had "missed it" in not going to Sioux City to practice law. That President Harrison "not only made no mistake" but was "more than usually fortunate" in this appointment was the opinion expressed in one newspaper. An "admirable selection" was the comment of another, followed by the prediction that Hepburn would "prove to be one of the strong men" of the administration. It was thought that the appointment would be received "with

unqualified and pleasurable acceptation'' by the people of Iowa, while the whole country might rest assured that the honor had gone to one who well deserved it and who would ''discharge all its duties with a zealous fidelity to the interests of the Government.''[220]

No sooner had Colonel Hepburn entered upon the duties of his office than the disposal of patronage commanded his attention. Hundreds of letters, burdened with all sorts of requests, were addressed to the new Solicitor of the Treasury. Two days after his appointment R. A. Carleton wrote: ''Permit me to congratulate you. Now if you can aid me in any way or assist me in getting a position it will be appreciated.''[221] The following day came a letter in behalf of the professor of German at Tabor College who desired an appointment as consul at some German port.[222] James R. Hartsock announced his candidacy for a similar position at Jerusalem. One of the surviving members of the Second Iowa Cavalry, with the ''highest and most honorable endorsements that have ever been issued by the state of Minnesota'', solicited assistance in procuring an inspectorship in the land department.

A saucy ''little 'Reb' '' named Alice Norvell confessed that the ''sharp but gentle reproof'' Colonel Hepburn had administered while on the Meridian expedition had never been forgotten.

She had married a staunch Republican, and her letter closed with the request that her husband be appointed postmaster. Because the Colonel had a reputation for being "so kind and nice" a poor woman was sent to him to obtain a job sweeping his office. One suppliant declared that "one half of the time, forethought, anxiety, scheming and inventive genius" that she had exerted to secure a position would have made her a "successful diplomat at a foreign court."[223]

Many of these appeals were not made in vain. "Kind Sir,—It is with profound feelings of gratitude that I am prompted to pen these lines", wrote a young woman who was "alone & in a strange city". "I cannot express how much I already feel indebted to you for your kindness! Truly I am the most happy girl in this city to-night!" An old soldier was thankful for the Colonel's assistance in settling a "claim for services in 1864" and added that the "amount is less than $200.00 but comes good after waiting for it 25 years." Besides those who were grateful enough to express their appreciation there were probably many others whose selfishness rendered it impossible for them to recognize the value of Hepburn's efforts in their behalf.[224]

It was the duty of the Solicitor of the Treasury to take cognizance of all frauds on the cus-

toms revenue. As the law officer of the Treasury Department many matters arising under the customs, navigation, banking, and registry laws, and in the administration of the Department were referred to him for examination and opinion. He was charged with the compromise of debts and with the supervision of suits for the collection of money due the United States. His approval of contracts and the bonds of specified Federal officers was required. On several occasions Solicitor Hepburn was sent by the Secretary of the Treasury to conduct special investigations of affairs pertaining to the Department.[225]

During the first year in office Hepburn made "earnest endeavors" to collect debts for the government, many of which had been long in abeyance. The dockets of the office showed that the sum of about thirty-five million dollars was due the United States, but there were no officers particularly responsible for discovering the debtors or collecting the money. The result of extensive and painstaking correspondence with district attorneys and marshals was far from satisfactory. The Solicitor therefore recommended an appropriation of ten thousand dollars to be expended in the collection of old judgments.[226]

While William P. Hepburn occupied the office of Solicitor of the Treasury more than

twenty-one thousand suits were commenced under his direction and nearly as many disposed of. More than twenty thousand cases were decided in favor of the United States or settled and dismissed. About four hundred and fifty written opinions were rendered on various questions of law submitted by the Secretary of the Treasury or the heads of bureaus and divisions in the Department. The number of official bonds, contracts, leases, and deeds examined was approximately four thousand.[227]

In the administration of immigration affairs under the contract between the United States Treasury Department and the Board of Commissioners of Emigration of the State of New York differences of opinion had arisen. On December 6, 1889, Secretary William Windom requested William P. Hepburn to proceed to New York, "there to meet said commissioners, discuss with them the various matters in controversy and so far as possible agree upon a settlement and adjustment of said matters." According to later instructions Hepburn "gave some attention to the questions involved in landing passengers on Sunday" and extended his inquiries into the "methods of administering the immigrant and alien contract labor laws."[228]

On December 31, 1889, Solicitor Hepburn made his report. Under the system of manage-

ment by the Emigration Commissioners it would be impossible, he stated, to itemize the expenditure for the care of each particular immigrant as the Department desired. He could see no justice in the demand that the United States should pay rent for the buildings on Ward's Island used by the Commissioners as a hospital, resort, and insane asylum for immigrants, when nearly a third of all those who arrived at that port remained within the State of New York. Neither could he understand why the money arising from the sale of privileges to railroad companies, money changers, and keepers of boarding houses to solicit business among the immigrants in Castle Garden — privileges that were valuable solely because the government permitted immigrants to land there — should not be expended for the benefit of the immigrants rather than in the payment of rentals to the State and City of New York. Inasmuch as the majority of the Commissioners entertained radically different views no satisfactory settlement was possible.

In respect to the landing of passengers on Sunday he reported that the condition of the "steerage of one of the great Atlantic steamships after it had been inhabited for 10 or 12 days by several hundred immigrants; some from Russia; some from Bohemia; some from Assyria; some from Italy, each laden with the

vermin and odors belonging to his filthy condition, is by no means a pleasant place for one who is gifted with the sense of smell or the nerves of sensation." It was Hepburn's conclusion that the majority of the immigrants would prefer the discomfort of spending a night and nearly two days in Castle Garden, with little to eat and no place to sleep except upon the wooden benches or the floor.

The greater part of the report concerned the administration of the immigrant and alien contract labor laws. It was shown that the Emigration Commissioners were unqualified for their duties on account of their pre-occupation, their widely different opinions, and their lack of coöperation with the Collector of the Port. Furthermore, the examination of immigrants thought to be criminals, idiots, insane persons, or paupers was often delayed a month or more before the Commissioners acted. Only those immigrants who had no transportation to their destination or who excited suspicion were examined to discover violations of the contract labor law. Even in the case of those who were examined the interpreters were so inefficient and the imported laborers so well instructed in the answers they should give that the discovery of any infringement of the law was remarkable.

Hepburn advised that the contract with the New York Board of Commissioners of Emigra-

tion should be terminated within sixty days, and that "the whole supervision of the contract labor law and the immigrant laws should be placed under the direction of an officer of the Treasury Department under the collector of the port of New York." He thought the use of Castle Garden and Ward's Island was unnecessary. The immigrants who needed assistance should either be cared for in a much smaller establishment than Ward's Island or placed in some institution of the city or county; while the barge office should be used for the purposes of landing or, if that proved inadvisable, suitable buildings should be erected on Governor's Island, on the grounds of the Navy Yard, or on other property of the United States. More rigid examinations and more vigorous enforcement of the laws would result if better qualified interpreters were provided.

The report concluded with a general comment upon the immigration question. The government was warned against the danger of allowing the country to be flooded with cheap immigrant labor, and the importance of interesting the prospective citizen in the conduct of American government was emphasized. "It ought not to be the policy to throw any impediment in the way of the honest, industrious, self-supporting immigrant", wrote Hepburn; "but justice to those that are here as well as to the

whole people, requires that the criminals or defective classes and the paupers of Europe should not be sent to this country, either by charitable societies, by municipalities, or by foreign governments, and that the laws while kindly administered should be enforced with rigor and with constant watchfulness. . . . When coming to this country some of the immigrants labor under many disadvantages; a stranger to our laws, our customs, our methods of business, he is still frequently oppressed with a sense of utter loneliness when he arrives at Castle Garden, separated from every familiar scene and old friends. He ought to have a kindly greeting under such circumstances. . . . . The authority of the Federal Government alone should be seen and felt. When a prospective citizen comes here, his first official relations with authority should be with that of the nation. His sense of first obligation refers to it."

This investigation by the Solicitor of the Treasury was in no small way responsible for the establishment of the immigrant station on Ellis Island and the complete reorganization of the immigration service. On March 12, 1890, Congress ordered an extensive investigation by special committees. The result was the removal of the naval magazine and the erection of the immigrant station on Ellis Island, the creation

of the office of Superintendent of Immigration in the Treasury Department, the transfer of all powers and duties formerly exercised by State boards and commissions to inspection officers of the United States, the conduct of medical examinations by the Marine Hospital Service, and the revision of the alien contract labor law. Hepburn was invited to accompany the Congressional committees to New York, and later he helped to prepare the bill that gained enactment.[229]

More than a month before the Board of General Appraisers was established by the customs administration act of June 10, 1890, William P. Hepburn had expressed a desire to be appointed a member. "I most sincerely congratulate the country at large on your candidacy — for of your appointment there can be no possible doubt, with the backing you will have. . . . I do not know of a man in this country so eminently fitted by education and experience and natural bent of mind, for that place, as yourself", wrote B. H. Hinds, whom Hepburn had requested to secure letters of recommendation to the President. Toward the end of June it appears that the newspaper men over the country expected Colonel Hepburn to be promoted to the new position. By August, however, the nine General Appraisers had been selected and he was not among the number.[230]

In the latter part of 1890 Hepburn was made chairman of the Treasury Commission to investigate the condition of the customs administration in the port of New York.[231] Within six months the commissioners examined every branch of the service. They took over forty thousand typewritten pages of testimony and made more than thirty reports upon a great variety of subjects. The request of the Collector of the Port for an additional clerk, the Passavant glove case, the methods of the contractor for the cartage of public store packages, the advisability of contracting for labor at the public stores, the methods of the Surveyor of the Port in connection with the discharge of cargoes of imported merchandise, entries by appraisement, bonded warehouses and storekeepers, the reduction of expenses at the port of New York, and a complaint made by Special Inspector R. C. Fuller of alleged interference in a seizure case were typical subjects of these reports. The information enabled the Secretary of the Treasury to make important recommendations for legislation and to inaugurate several changes in the customs administration at New York.[232]

Special investigations and the routine duties of the Solicitor of the Treasury made William P. Hepburn a very busy man from the time he accepted the office until March 3, 1893, the date

of his resignation. He conducted important investigations of the seal industry of Alaska in connection with granting a twenty-year lease to the North American Commercial Company in 1890; he was frequently commissioned to select sites for public buildings — the post offices at Milwaukee and Davenport, the Long Branch Life Saving Station, and the appraisers' warehouse in New York City being notable instances; and in the spring of 1892 he was sent to San Francisco to conduct an investigation of alleged revenue frauds.[233] Altogether the administration of Solicitor Hepburn as the law officer of the Treasury Department was marked by energy, aggressiveness, and the faithful protection of public interests.[234]

XVIII

Return to Congress

While William P. Hepburn was Solicitor of the Treasury he found time to return to Iowa each year and campaign for his friends. On the way he usually stopped to make a few speeches in Ohio and Indiana. After canvassing the Third Congressional District of Iowa for David B. Henderson in 1890 he spoke at a number of towns in the western part of the State. At Centerville, where a "great victorious Democratic demonstration" had been planned, he encountered James B. Weaver, whom he is reported to have utterly routed, thereby winning "lots of votes" for the Republicans. In 1891 he attended the reunion of the Second Iowa Cavalry at Iowa City on October 7th and 8th, addressed a Women's Christian Temperance Union convention at Creston on October 9th, and made speeches in the eleven counties of the Eighth Congressional District. Everywhere the people heard him gladly, and with the return of prosperity the farmers forgot the prejudices which they had entertained in 1886.[235]

Early in 1892 Colonel Hepburn began to receive urgent requests to become a candidate for Congress. Many of the letters were from men who had opposed him six years before, and as the suggestion coincided with his own preferences "much persuasion was not required" to induce the Colonel to allow his name to be used. Being in Iowa about the first of February he cautiously sounded public opinion upon the prospect of his candidacy. Major Anderson, he learned, was out of politics and would "throw no straw" in his way. Indeed, the Major promised to "help as far as he could". Many of "those who opposed you in '86 believe you would be as strong as anyone we could name. And those who supported you in '86, believe you much the strongest candidate we can name, while many of your former opponents are like myself emphatic in the belief that you ought to be the nominee", was the statement of the situation by William Eaton.[236]

Although James P. Flick, the Representative from the eighth district, had decided to retire from Congress, Colonel Hepburn by no means found a clear field for the Republican nomination. Early in the season J. B. Harsh, a State Senator and the proprietor of a stock farm near Creston, entered the contest.[237] He, like many other good Republicans, conceded that Hepburn was an able politician but doubted the

advisability of allowing him to become the party candidate so soon after the experience of 1886. Attention was called to recent political history in the eighth district. Election returns showed that the Republican majority of two thousand three hundred and seventy-seven votes for Congressman in 1884 and six hundred and forty-five in 1888 had dwindled to a plurality of a hundred and sixteen in 1890. Furthermore, there seemed to be no doubt that the Democrats and Populists would unite in order to defeat the Republican candidate in 1892.[238]

In view of these facts several leading newspapers expressed the opinion that the Republicans of the eighth district could not afford to make a mistake in selecting their candidate for Congress. The Seymour *Press* declared that it was not the time "to nominate old party hacks as pay for favors bestowed or with the hopes of future reward. This will not be a good year to redeem any man's record of unpopularity, for the party's supremacy in the district is at stake and no man or his friends should put his success over and above that of the party." Colonel Hepburn was told that his nomination would drive all third party voters to the ranks of the opposition and that he could not depend upon the presidential campaign to keep Republicans in line.

Meanwhile Senator Harsh seemed to receive

wide endorsement. He was known extensively as a stock raiser, a banker, and a promoter of the Creston Blue Grass Palace. In the General Assembly he had a reputation for ability, energy, fearlessness, and persistency. He had championed bills which provided for the election of the railroad commissioners, the restraint of unlawful combinations to raise the price of the necessities of life, and the creation of a non-partisan commission to revise the revenue and taxation laws of the State — measures that were very popular with his constituents. His chief purpose in going to Congress, it was asserted, was to secure the enactment of a law that would prevent the "big four" of Chicago fixing the price of every pound of meat raised in Iowa.[239]

W. O. Mitchell and M. L. Temple were other candidates who received local support. Less than a month before the date set for the Republican convention the editor of the Creston *Gazette* believed that Hepburn was "not as strong with the people as any one of the other candidates" and that his nomination would be a dangerous experiment. "No man who has his eyes and ears open can fail to note the murmurings of dissatisfaction that are coming from all parts of the district since it has become certain that Mr. Hepburn's nomination was a probability. Disguise it as we may, strive to

ignore it as we may, whether right or wrong, the stubborn fact remains that there is among republican voters in many parts of the district a distrust of Mr. Hepburn and a feeling that he has not been faithful to the people's interests in the past."[240]

Notwithstanding the apparent strength of the other Republican candidates Colonel Hepburn steadily gained in popularity as the time for the district convention approached. Not a few Republicans who at first were inclined to oppose him afterward became ardent workers in his behalf. There were others, like F. M. Davis of Corning, who desired to "vote for a Man, and one of brains and sense and statesmanship," whatever his past record may have been. It was generally admitted that Hepburn had the ability, experience, and standing to be of the utmost service to his constituents. During his three terms in Congress he had introduced and secured the enactment of fifteen private bills and one public bill, whereas the total legislation which had originated with all the other Representatives from the eighth Iowa district since its establishment in 1873 — a period of fourteen years — amounted to three public bills and six private pension bills. As to his position on the transportation and trust problems the people were assured that he was "entirely divorced from corporate influences"

and in "full sympathy with them upon these important questions".[241]

The Republican Congressional convention met in Chariton on July 20th. After the permanent organization had been effected, resolutions adopted, and the Clarinda glee club had regaled the delegates with song, the convention proceeded to nominate a candidate for Congress. Upon the informal ballot Hepburn received seventy-eight votes, Harsh fifteen, Mitchell ten, and Temple ten. A formal ballot was taken with the same result and then the nomination of "Pete" Hepburn was made unanimous "amid the greatest enthusiasm." The result was welcome news to prominent Republicans all over the country.[242]

Contrary to predictions the fusion of the Democratic and People's parties failed to materialize. It was not long after the Republican convention that "there seemed to be music in the air" among the Democrats and the third party men. On August 9th, the Populists nominated W. S. Scott of Appanoose County whom the Democrats refused to accept. A fortnight later Thomas L. Maxwell of Creston, a man with a third party record, was nominated by the Democrats.[243]

With the opposition divided Hepburn appeared to be in little danger of defeat, but there was no cessation of effort on that account.

"Everything looks right, but we want to keep 'em so lookin' ", he wrote in September. By October 4th, the Republicans, even in doubtful counties, were reported to be "all in line"; while a month later they were "head and shoulders" above the Democrats and "growing fast."[244]

Though in great demand as a speaker both within and without the eighth district, the Colonel was not able to take part in the campaign more than a few days at a time during September and October. In the meantime, however, the campaign was well managed by his friends. The State central committee sent speakers into the district, and many influential men, including Senator William B. Allison, volunteered assistance. Indeed, the success of his candidacy from the beginning was due to the loyalty and unselfishness of the many friends who came to his support. So it was all through his career. Although "Pete" Hepburn made bitter enemies he also made steadfast friends. "I think there never was a man who had better, more devoted and more unselfish friends than I had", he wrote on one occasion during the campaign of 1892.[245]

Because the Democrats carefully avoided the money question or fused with the Populists in those States where the inflation movement was strong, and because they were able to make

capital for tariff reform by pointing to the Homestead strike as the failure of a highly protected industry to satisfy labor, the election on November 8, 1892, sent Grover Cleveland to the White House and gave the Democrats the control of both branches of Congress. Iowa, however, returned a Republican majority as usual; and although Hepburn ran slightly behind the head of the State ticket in every county except Wayne, he received a plurality of forty-three hundred and thirty-one votes, which was a fair measure of Republican strength in the eighth district.[246]

For weeks following the election Colonel Hepburn's mail was filled with letters of congratulation from all parts of the country. "So many of our friends went under in the political flood this fall that the survival of one here and there is hailed with especial delight. I beg that you will accept my hearty congratulations on your personal victory in the campaign and on the splendid showing of your state", was the communication he received from George W. Whitehead. "Your work was splendid, you never made a better canvass, all who heard you unite in praise of your good work", was the comment of a member of the Republican State central committee. Albert B. Cummins thought everyone in Iowa "should feel proud and happy to know that we are to be represented in the

next Congress by men like yourself and the other successful Republican candidates.'' Colonel Hepburn started for Washington on the evening of election day.[247]

XIX

The Currency Question

No sooner had Colonel Hepburn reached Washington than his aid was solicited to procure pensions for Civil War veterans. Old soldiers in other States who were not acquainted with their own Representatives wrote to the Colonel on account of his well-known friendship for the man who had served in the Union army. "I must congratulate you on your Election to Congress & hope that you will appreciate it", wrote a constituent from Hopeville, "but this is Enough of this nonsense. I will now write concerning my Pending Claim as you requested". A farmer who lived near Sidney stated that his "Examashun tuck plase the 14 day of Last January" and that he had not "hird one wird from it Sence". Many letters urged Hepburn to use his influence to have pending claims adjusted before the inauguration of President Cleveland on the fourth of March, 1893.[248]

But the flood of correspondence from old soldiers did not cease with Cleveland's administration. In 1907 Colonel Hepburn estimated that he had received fifty thousand letters re-

lating to pensions during the time he had been in Congress. All of these letters were accorded prompt attention. Indeed, he felt that a Congressman should be a friend of the people to whom they might appeal in confidence for aid in transacting their business with the government at Washington.[249]

Although, as he sometimes suggested to officious constituents, it was not a part of his duty to endorse pension claims he was always glad to help his comrades. Despite the fact that only four per cent of the voters in the eighth district had served in the Union Army more than half of the Federal positions were filled by veterans or their sons upon his recommendation. He improved every opportunity to widen the scope of pension legislation and to increase its value. Nearly sixty old soldiers or their widows were placed on the pension rolls by private bills which he introduced and fostered.[250]

Hepburn defended the pension system not only on the ground that the Union soldiers had earned the recognition of a grateful nation, but also as an essential part of the volunteer scheme of military organization. "The pension", said he, "is a part of a contract. The law authorizing the pension goes hand in hand with the law calling for the volunteer. The pension is a part of the compensation." Its

purpose "is to equalize, as nearly as possible, the earning capacity of the men who are injured in the military service and those who are not." Even from the standpoint of economy — measured in dollars and cents — he showed that the cost of pensions for volunteers was far less expensive than the maintenance of a standing army.[251]

When the Fifty-third Congress convened on August 7, 1893, it was the first time since the Civil War that the Democrats had control of both the executive and legislative branches of the Federal government. Democrats had been elected to Congress on the promise of reforming the McKinley tariff and of revising the currency legislation; and now, in view of the perilous financial condition of the country, President Cleveland had called a special session for the express purpose of repealing the Sherman Silver Purchase Act of 1890. The operation of that law, the President believed, was chiefly responsible for the depletion of the gold reserve. "At this stage", he wrote, "gold and silver must part company and the Government must fail in its established policy to maintain the two metals on a parity with each other."[252]

Enormous pressure was brought to bear upon Republicans and free silver Democrats: they were exhorted to rise above the plane of party politics and patriotically hasten to the rescue

of prostrate business. It was this appeal for non-partisanship that brought Colonel Hepburn to his feet. The President, he said, "seeks to utilize a condition of public distress and by its use persuade Republicans in aiding his party to take the first step toward the permanent disuse of silver as one of the money metals of this country." For his part he was tired of the talk of non-partisanship. "I am a Republican", he declared, "because I believe Republicanism to be right to-day as in other days. I am a Republican because I believe in the doctrines announced in its platform as the best of all theories and principles to carry this Government and the people to the highest mark of civilization and their greatest good; and I am not to be driven from these ideas and from the doctrines of my party because it suits some man's purposes now to urge aid from the Republican party. I believe I am most patriotic when I adhere closest to the doctrines of my party. I know of no sufficient reason why this extraordinary action, the repeal of the act of 1890, should be taken."

He found the critical condition of the country not attributable to the fact that the "Republican party, three years ago, had passed the Sherman bill", but rather he believed the crisis was the direct result of the announcement made nine months previous that the Democratic party

for the first time in many years would have an opportunity of making good its promises of radical changes in the industrial system and the repeal of the McKinley tariff. "Immediately, over all this land, there came paralysis. The mills stopped; the fire of the forges died out; everywhere there was a swarming multitude of idlers clamoring for labor but finding no places in the great labor field."

The assertion that the business interests of the whole country demanded the repeal of the Sherman act was emphatically denied by Hepburn. On the contrary he was convinced that the banks, boards of trade, and chambers of commerce were chiefly responsible for the agitation against the silver purchase law. The importance of the banks and coöperating institutions had been over-emphasized. "Their business begins where the great business of production ends. They simply levy toll upon that which the real business men of this country create." Most bankers he assumed were monometallists who saw in the repeal of the Sherman law the first step toward a single gold standard.

For the argument that the people lacked confidence in the treasury notes of 1890 Colonel Hepburn had no sympathy. Indeed, he thought this currency constituted the best form of money in the United States, because it was backed by a $100,000,000 gold reserve and face

value in silver bullion. That these notes would drive gold out of circulation he could not believe, since they were redeemable in gold and in effect simply placed additional gold in circulation. Furthermore, the only method of meeting the demand for an annual increase of more than $60,000,000 of currency was in the maintenance of this much-abused act of 1890. "I believe", he concluded, "that this law has been beneficial in its operation at all times. . . . It gives us more of circulation. It gives us a most desirable currency. It gives us the best form of money that we have. It is our only hope for expansion."

In the opinion of Colonel Hepburn the true solution of the currency question lay in such judicious legislation as would throw the balance of trade in favor of the United States — a condition that had not existed in fifty years. The change from a debtor to a creditor nation alone would stop the exodus of gold and enable the country to exercise a choice of the kind of money to be established. He suggested that the merchant marine be increased, that the production of more sugar be encouraged, and that such a course should be pursued as would secure the industrial independence of America.

In closing his speech Hepburn warned his colleagues against setting at naught the time-honored declarations of the Republican party

for a double standard. "We are here", he exclaimed, "to cast a vote of want of confidence in Republican statesmanship and Republican methods. I will not do it."[253]

During the year 1894 the United States treasury became more and more embarrassed by the steady decline of the gold reserve. It was toward the end of January that Secretary John G. Carlisle negotiated a loan from which $58,661,000 in gold was realized. To obtain the gold, however, subscribers withdrew it from the treasury by the presentation of legal-tender notes and then transferred it back in payment of the loan. Thus an endless chain was ever "dipping its buckets" into the gold reserve of the treasury. Another loan was floated in November with the same result. In a special message to Congress on January 28, 1895, President Cleveland suggested that fifty-year gold bonds be issued for the redemption and cancellation of all legal-tender notes.[254]

The gold bond issue came to a vote in the House of Representatives on February 14, 1895. That day Hepburn made a brief but influential speech in which he declared that the inauguration of the policy of issuing gold bonds would mean that no other bonds would ever again be known in the history of this country. To the question, "Are we ready for that?", there were cries of "No!" "No!" He stood

firmly on the Republican platform which stated that the "debt-paying power of the dollar, whether silver, gold, or paper" should be equal at all times. He asserted that there was "not an obligation of the United States save the gold certificate" which might not be paid honestly in silver dollars. To the argument that the government was morally obliged to pay in gold he replied that there were no moral obligations outside the limitations of the law and that the government preserved at all times the alternative to pay in gold or silver.[255]

On February 8, 1896, Colonel Hepburn spoke at length upon the question of silver coinage. He began by stating that he was not surprised at the failure of the International Monetary Conference in 1892 to agree to the coinage of silver at a fixed ratio if members of the Conference announced before the tribunal of savants at Brussels that the law of supply and demand fixes value. "Supply and demand", said he, "fix price, not value. . . . You are asking for the restoration of the dollar of the daddies. You propose to restore its value by mere coinage". While a dollar might be coined that would contain 412½ grains of silver, Hepburn contended that in order to give such a dollar full value in the money markets of the world the credit of the United States would have to be injected into it to make good the de-

ficient value of the bullion. He believed that the majority of the people favored a double standard and that the only hope of securing a parity of gold and silver lay in international agreement.

In reply to the argument that the enlarged use of silver would destroy the credit of the nation he cited "the glorious history of this country under Republican Administration." At a time when the country had just "emerged from the gloom of desolating war, and when a burden of two and three-quarters billions of debt rested upon this nation" the addition of about $60,000,000 of silver annually had not interfered with the rise of the credit of the United States to a point "never before reached by the credit of any nation in the history of the world." Who then would have the temerity to assert that the continuation of that policy would disparage the credit of this country. "While I am not in favor of the free coinage of silver", he said, "I am in favor of the use of silver to the extent that it is necessary to meet the demand for expansion resulting from our growth in population and our development as a commercial and manufacturing people . . . . expansion of the circulation ought to be continued, and it were much better that it should be continued by the use of the mints in coining silver rather than by the use of the printing

press in printing promises to pay . . . . Remember that when we purchase the silver we have it; so that the case is very different from issuing promises to pay.''[256]

Throughout the discussion of the currency question Colonel Hepburn stood for bimetallism as advocated by the Republican party. He was ''unreservedly for sound money'' and therefore ''opposed to the free coinage of silver except by international agreement'', and until such an agreement was obtained he was pledged to preserve ''the existing gold standard''.[257]

XX

The Campaign of 1896

Although deeply interested in the currency question during the years from 1893 to 1896, Congressman Hepburn found it possible to give attention to other subjects of legislation. Indeed there were many problems upon which he freely expressed his opinions. He opposed the admission of Arizona into the Union on account of the sparse population and meager natural resources; and he objected to granting public land to western States for the purpose of reclaiming arid areas, because he thought reclamation should be made a national project.[258] A bill providing for the arbitration of railroad labor controversies was favored by him not for its intrinsic worth but because the necessity of laborers demanded that they should not be thrown out of employment by frequent internecine disputes.[259]

Hepburn was always interested in the government of the District of Columbia — particularly in the regulation of public utilities. Another of his deep-seated notions was that first and second class post offices were receiving

more than their share of appropriations and that more money should be spent on third and fourth class offices. That the Colonel possessed a very considerable influence in Congress was indicated by the many important questions upon which he spoke — often no doubt at the solicitation of others. The record of his speeches constitutes an index of his ability and versatility no less than a measure of his good will toward his colleagues.[260]

In the meantime "Pete" Hepburn was gaining political prestige in Iowa. Within a month after his election to Congress in 1892 he was frequently mentioned as a candidate to succeed James F. Wilson in the Senate three years later: indeed, J. H. Cook made a trip to Des Moines in the latter part of December for the special purpose of sounding political opinion on Hepburn's prospects. This investigation revealed a widespread endorsement of the Colonel at that time although it was not until the following November that his candidacy was formally announced. About the same time John H. Gear, Albert B. Cummins, John F. Lacey, George D. Perkins, and John Y. Stone also threw their hats into the ring.

In the campaign that followed ex-Governor Gear bore the brunt of the factional opposition within the Republican party, but despite his age, his residence in the eastern part of the

State, and his alleged corporation affiliations he received forty-two votes on the first ballot in the party caucus on January 15, 1894, while William P. Hepburn, his nearest competitor, polled only nineteen. Once more the Colonel's Senatorial aspirations had been blighted. At the election in the following November, however, he experienced little difficulty in being returned to the House of Representatives by a majority of more than four thousand votes. "Sanity once more prevails in the 8th district. Populism seems to have got a very black eye", was the comment of J. W. Blythe.[261]

The campaign of 1896 was one of the most intense political struggles in American history. In Iowa as elsewhere the majority of Democrats fused with the Populists to make free coinage of silver the one absorbing issue. There was little demonstration; but men and women would sit for hours listening to a presentation of facts and statistics, while neighbors nearly resorted to blows to clinch bimetallistic arguments. Nowhere in Iowa was the free silver sentiment stronger than in the Eighth Congressional District.[262]

On March 11th more than a thousand Republicans met in Des Moines for the purpose of selecting delegates to the national convention. Amid tremendous enthusiasm and applause William B. Allison was formally selected as the

favorite son of Iowa for the Presidential nomination. A resolution that David B. Henderson, John H. Gear, J. S. Clarkson, and William P. Hepburn be named delegates-at-large to promote the interests of Senator Allison in the national convention was carried by acclamation.[263]

Long before the eleventh national Republican convention met in St. Louis on June 16, 1896, it was generally acknowledged that William McKinley would be nominated for President. Through the untiring efforts of Marcus A. Hanna a powerful and intricate political machine was organized in the interests of the Ohio candidate. Although the convention was supposed to be cut and dried from start to finish an obstacle was encountered in the committee on credentials almost at the beginning: William P. Hepburn dared to oppose the McKinley organization. The first indication of a contest was the defeat of Hepburn for the chairmanship of the credentials committee by a vote of nineteen to twenty-eight in favor of J. F. Fort of New Jersey.[264]

The following afternoon when Mr. Fort reported in favor of permanently seating the delegates on the temporary roll prepared by the national committee, including the McKinley delegations from Delaware and Texas, Hepburn presented a minority report. He stated

that "not one word of the testimony adduced was read" before the committee on the contest of the rival delegations from Delaware and Texas while there were more than a hundred and sixty contested cases upon which there had been no hearing. "We deem it to be a most dangerous precedent to permit the National committee to pass final judgment in the election and qualification of members of a National convention", he declared, and in "powerful tones" recommended that this authority "should be retained in the hands of the convention." Fort immediately called a vote, and Hepburn raised the point of order that delegates whose seats were contested could not participate. When this point of order was overruled the people in the galleries expressed their opposition to the McKinley machine in a "mighty hiss". The verdict was that the minority report "could not have been better handled", but Hepburn spoke against an overwhelming majority. Although the Iowa delegation remained true to Senator Allison the struggle was hopeless: McKinley was nominated on the first ballot.[265]

Four days before the national convention was called to order Colonel Hepburn had been nominated for Congress without opposition. On July 15th the second Republican State convention in 1896 met in Des Moines for the pur-

pose of nominating candidates for State offices. No convention in recent years had shown more of the old-fashioned Republican spirit. With only a few hours notice Hepburn was selected for temporary chairman. He proved to be eminently qualified to meet the situation. "Thirty-five years ago," he said, "when met in convention the Republicans of Iowa were confronted by Democrats in arms making potential battle in the unholy cause of capital demanding its right to own labor . . . . To-day our enemies in politics, the Democratic party, have surrendered all but their proud name, to the Populists of the land."[266]

Rapidly he sketched the achievements of the Republican party: "all of the states emancipated from the blight of human slavery; all the territories preserved for free labor; a million homesteads given to the people; a labor system that has doubled the wage, and given employment; and a financial system that has made it possible for the laboring man at the end of each day to receive his wage in a money equal to the best in the world." Within the brief space of four years Democratic administration had caused such hard times that "gloom is not lifted from the home, the little children cry for bread, and the wives — God pity them — are filled with apprehension."

Republicans had not ceased to stand for bi-

metallism, he declared, although the party had recognized the fact that gold coin was the only money which contained its full intrinsic value. Indeed, he claimed that the Republican party was then and always had been a better friend of silver than were the Democrats. In comparison with the suspension of silver coinage by Democratic Presidents from 1805 to 1834 the "crime of 1873" sank into insignificance. Not only had sixty times as much silver been coined under the Republican regime, but long after the bullion value of silver had decreased that party had preserved a parity between the two metals by injecting fifty cents of the credit of the nation into every silver dollar. The Republicans, Hepburn explained, proposed to restore the bullion value of silver by making a world market for it at a fixed price, whereas the Democrats would presume to restore the ratio of sixteen to one by the foolhardy experiment of free coinage.

It would be folly, the Colonel thought, to attempt the expansion of currency by the free coinage of silver because the white metal would drive gold out of circulation and reduce the purchasing power of the remaining money to the bullion value of silver. Shrinkage rather than expansion would result. As soon could the march of the seasons be checked as the inexorable laws of commerce be changed by legisla-

tion. "The piling up of two or three billions of debt would be as nothing to the universal bankruptcy, the utter ruin, the suffering, starvation, death, that would come to us if we tried and failed in this terrible experiment that they are urging upon us now".

It soon developed that the Democrats and Populists had selected the eighth district for concentrated efforts in behalf of free silver. To counteract the work of his opponents Hepburn sent a great many government documents to the farmers. The agricultural bulletins and year books were reported to be "doing great good", and toward the end of September the Colonel felt confident that the literature he had distributed would be largely responsible for holding the district.[267]

On account of his national reputation Hepburn was impressed into the Presidential campaign in other States. In addition to his work outside of Iowa he was required to deliver six speeches in this State beyond the boundaries of the eighth district. It was his good fortune to accompany Joseph B. Foraker across Iowa early in October and to address large audiences at Burlington and Red Oak.[268] His speech at Burlington in which he reiterated what he had said at the State convention in July, was characterized as a "calm, dignified, scholarly address".[269]

That the opposition had massed a large amount of their resources against "Pete" Hepburn on account of the strong silver sentiment in his district became very apparent when election returns were reported. He was returned to Congress by a majority of only eight hundred and twenty-seven votes — the smallest Republican margin recorded in any Iowa district that year. The Fusion candidate, W. H. Robb, polled a majority in Decatur, Fremont, Union, and Wayne counties.[270]

XXI

Civil Service Reform

The period of greatest achievement in the life of William P. Hepburn dates from the Fifty-fourth Congress which assembled in December, 1895. It was at that time that he was appointed chairman of the Committee on Interstate and Foreign Commerce, a position which he held during the remainder of his Congressional career. Speaker Thomas B. Reed called Hepburn to the chair in the capacity of Speaker *pro tempore* three times during the Fifty-fourth Congress, and on seventeen occasions the Colonel presided over the Committee of the Whole. It was reported that Congressmen who were in the habit of obstructing debate were very quiet when he was in the chair. "He is so quick, prompt, resolute, courageous, knows his fact and the rules so well, makes so crushing a retort when challenged that obstructors do not care to put their intelligence into a match with his", commented a newspaper reporter.

It was not until the Fifty-fourth Congress, however, that Hepburn exhibited the characteristics of genuine statesmanship in his Congres-

sional debates. For many years he had occupied a noteworthy place in public affairs, but in his utterances there seemed to be "a cynical consciousness of his own powers". Now he appeared to be unconscious of himself and his own intellect: he was interested only in the great national ends toward which the people were moving. It was during the second session of the Fifty-fifth Congress that he was chosen to close the debate on the annexation of Hawaii, while upon civil service reform he delivered what many Congressmen judged to be the greatest argument they had ever heard on that subject.[271]

It was to challenge the general misapprehension that great improvements in the public service had been secured by the merit system — that there had been a "diminution of expenditure", that a "greater measure of faithful attention to business" had resulted, and that a "purer class of men" were in office — which prompted Hepburn to discuss the civil service question. He began by stating that the sponsors of reform had gained a great advantage by the use of the term "merit system" and by attributing to their opponents the unkindly epithet of "spoilsmen". That those who were opposed to the merit system must necessarily favor some scheme that did not have merit he denied. Neither was it fair to assume that

those who did not advocate the merit system of reform were selfish seekers of spoils at the expense of the public weal. He contended that there was another method of appointment to the civil service more meritorious than the so-called merit system.[272]

Seldom did the Colonel's strong, clear, penetrating voice and animated style of speaking command closer attention than on the eighth of January, 1898, as he outlined the "darkened, subterranean, irresponsible methods" of the Civil Service Commission and proclaimed that in his humble judgment the old way of making appointments was better than the new.[273] "Why, sir," he exclaimed, "it is in the nature of things that it should be so. There is nothing so conducive to sloth, indolence, inattention to duties, as that feeling of security that comes to men through the civil service." It is "incident to human nature", he observed, that "life tenure works to the disadvantage of the public." He was opposed to giving any man vested rights in an office. Moreover, in his opinion, it had not been satisfactorily proved that expenses had been reduced or superior men selected by the merit system. Indeed, the salary expenditure of the government had far outstripped the growth of public business, while the candidates for civil service positions were not experienced men but mere youths, fresh

from their school books, who were content to accept a thousand dollar clerkship.

To secure the greatest efficiency in any executive department it was essential, Hepburn thought, that those in subordinate positions should be in complete sympathy with their superiors. Coöperation could be obtained best by allowing responsible officers to gather their friends about them. That ward heelers or political bosses would constitute the class appointed under such a system he refused to believe. On the contrary it was more probable that the appointee would be the faithful friend who had "a laudable ambition to participate in some way . . . . in the administration of his Government." Hepburn deplored the attitude that would permit a Congressman to deride the "hordes of hungry office seekers that infest the corridors of the Capitol" and then forsake his official duties for weeks to implore these same men to stand by him in his own quest for office. "I condemn the men who, forgetful of old relations, denounce their own constituents, the voters of this country, whenever any of them seek that public employment to which every citizen ought to have the right to aspire."[274]

Arguing from the premise that American government will always be operated through the medium of political parties, the Colonel was

convinced that the best results could be obtained through the maintenance of a responsible party organization by means of a system of rewards for party workers. The idea of compensating party workers with civil service positions, he admitted, might grate upon the sensitive ears of transcendentalists, but he presumed that he was talking to practical men about a practical question. Found the party organization upon workers desirous only of the privilege of serving their country as a reward, he advised, and honest, efficient government would result, but exclude these men by the merit system and they would be replaced by others actuated only by a desire for money. With the advent of professional politicians he predicted that campaign expenses would be doubled and the basis of party allegiance would shift from public service to private ends.

The results of the merit system, according to Hepburn, were incommensurate with the expense involved. Furthermore, he believed it was impossible to determine the qualifications of applicants for admission to the civil service by examinations as they were conducted. Even if the civil service officials were absolutely honest — of which there was less assurance than of the honesty of Congressmen who had been declared to be unfit to make recommendations for civil service appointments — there

was still no way of estimating the industry or integrity of applicants.

In conclusion Colonel Hepburn described the civil service law that he desired. "I would give the appointing power to the heads of Departments", he explained. "I would require that appointments should be probationary, and that after a service of three or six months and a successful examination by the Department, or by the commission, if the office required scientific knowledge, the examination being limited to ascertaining the fitness of the applicant to discharge the duties of the office to which he aspired, I would give him a commission for a stated period, but reserving the power of removal to the appointing officer for any cause — save a political one — that he regarded sufficient."

Regularly after the memorable speech in 1898 Colonel Hepburn expressed his condemnation of "the new-fangled civil service that we now are agonizing under". His argument usually followed the same line of reasoning, varying only according to contemporary circumstances. He always resented the insinuation that he was a spoilsman because he believed in Congressional patronage. A spoilsman he defined as one who was willing to use his influence to place an inefficient or dishonest man in office. That he would never do. He was

equally emphatic in his conviction that a Congressman would not dare to select scalawags for official positions lest he regret the act at the next election. For a number of years the Colonel earnestly endeavored to repeal the civil service law preparatory to the inauguration of a true merit system, but toward the end of his career he realized that his efforts were futile, and while he never missed an opportunity for a thrust at civil service reform he resorted to ridicule for the expression of his opinions rather than to serious argument.[275]

XXII

Imperialism

The United States has been an empire since the date of the Louisiana Purchase, April 30, 1803. At that time scruples against territorial expansion, based upon constitutional grounds, were sacrificed to the demands of expediency. The acquisition of territory on the mainland of North America before 1867 was as imperialistic in principle as the insular annexations since 1898. The inevitable consummation of the policy was simply hastened by the war with Spain. Avowed military strategy and commercial aggrandizement were responsible for the annexation of Hawaii, Porto Rico, the Philippines, and Guam, whereas previous expansion was due to the force of circumstances. It was the announcement of a purpose which raised the cry of "imperialism" and "colonial aggrandizement" against the possession of "dominions beyond the sea".[276]

The opinion of William P. Hepburn on the question of acquiring insular possessions was best expressed on June 15, 1898, when the Spanish-American War was at its height. That

day he closed the debate in favor of the annexation of Hawaii with a speech which left the impression that "a great advocate had spoken greatly for a great cause." Apparently it was one of the occasions when his "capacity for clear statement that amounted to genius" may have "shot away the dust of doubt" in the minds of fellow Congressmen.[277]

There were men, he said, who confused existing conditions with prophecy, men who thought that the counsel of the fathers "to avoid all entangling alliances, to confine ourselves, our efforts and our hopes, to home interests" was about to be abandoned by the annexation of Hawaii. In casting an affirmative vote for that proposition he asserted that he committed himself to no policy of colonial acquisition. "I can distinguish between a colonial policy and a commercial policy", he declared. "I can distinguish between the policy that would scatter colonies all over the islands of the sea and the lands of the earth and that policy which would secure to us simply those facilities of commerce that the new commercial methods make absolutely essential." Having in mind the strategic value of the islands, he announced that another purpose of annexation was to prevent other nations from obtaining a menacing military base in the Pacific Ocean.[278]

While he denied that the annexation of Ha-

waii would commit the United States to a colonial policy, nevertheless he was willing to accept that venture. "Gentlemen tell us", he continued, "that if we pursue this course, of acquisition of these little islands, the fate of Greece, the fate of Rome, the fate of all the old empires or republics will surely be ours . . . . I am not sure that their self-aggrandizement, carrying their civilization, as they did, to all parts of the world, was not a blessing to mankind, although it might have resulted (yet no man can say it with certainty) in their own overthrow." But for this "thirst for annexation, this desire for new territory, this passion for extending civilization", Alfred would have had no knowledge of law and jurisprudence upon which to found the British Empire.

Furthermore, the leading nations of the modern world, he reminded his auditors, maintain a system of "territorial expansion, of breadth and greatness and grandeur, of extension of empire" to the detriment of the United States. The Democrats of America, alone among all the statesmen of the world, he proclaimed, "are halting in the procession." Indeed, they too had subscribed to the doctrine of imperialism, and to prove his point the Colonel read the Ostend Manifesto of 1854 which advised the United States to buy Cuba or take the island by force.[270]

Hepburn was "not prepared to say how Hawaii would be governed". He could not tell whether the islands would ever be admitted to Statehood; but judging from past experience he was confident that they would "undergo such period of probation as will assure us that they are fitted for republican institutions."

The conclusion of his speech, in which he expressed the most radical imperialism, was greeted with prolonged applause. Conquest, he declared, was a legitimate method of acquiring territory, and in the war with Spain the United States was duty-bound to cripple the enemy by seizing her possessions as well as by defeating her military forces. "We hope," he exclaimed, "every patriot hopes, that Cuba, Puerto Rico, the Philippine Islands will be ours by conquest." What should be done with the territory after the war was a question to be decided in the future; but upon the advisability of "retaining such portions of that territory as will enable us to meet all of the requirements of modern commerce" he thought there could be no doubt.

On later occasions Colonel Hepburn repeatedly endorsed imperialism. In January, 1899, he was loudly applauded for defending the policy of the Administration in the Philippines. The placing of the American flag over those people, he declared, meant that they were enter-

ing upon a new era of liberty, law, peace, and progress. It was to fulfill the promise expressed by the flag that President McKinley had undertaken to pacify the Filipinos, to give them an opportunity to express their wishes, and to "sail away" from Manila as soon as they should be able to maintain their own government, but no sooner.[280]

Again, in December, 1901, Hepburn voiced the opinion that the form of government in the Philippines was not contrary to American principles. He recalled that he had lived nearly six years upon acquired territory of the United States when the measure of self-government accorded to the people of the Territory of Iowa was less than the autonomy enjoyed by Filipinos under American rule. He was convinced that the recognition of Cuban independence was a mistake.[281]

The imperialistic attitude of Colonel Hepburn may be partly accounted for on the ground of extreme loyalty to his country. If there was anything he could not abide it was a lack of patriotism. When the incorporation of the German-American Alliance was proposed in Congress, and it was announced that among the purposes of the organization was the "protection of German immigrants against imposition and deception" and the "cultivation of the German language, literature, and drama, and

the perpetuation of the memory and deeds of those early German pioneers whose influence has been of incalculable benefit to the intellectual and economic development of this country", Hepburn objected to the consideration of the bill. "It seems to me", he said, "that there is something more in this bill than what appears upon its surface; that it is not a mere social organization, but that it is political in character." When the measure was again brought before the House of Representatives he proposed to strike out the word "German" where it appeared "in the hyphenated form of German-American alliance". He resented the cultivation of the German language instead of English, and thought there was nothing to be gained by perpetuating national distinctions. "When a man comes here he should come here to be an American".[282]

Amos J. Cummings of New York is reputed to have stated in his press correspondence that it was "worth a trip to Washington through a blizzard" to hear the Colonel pronounce the words "United States". There was "a rising inflection in his voice" that conveyed "an idea of majesty." It combined "the scream of the eagle, the roar of the lion, the defiance of the game cock." The intense Americanism of "Pete" Hepburn was reflected even in the tone of his voice.[283]

XXIII

The Isthmian Canal

During more than three-quarters of a century the construction of a canal connecting the Atlantic and Pacific oceans was debated in Congress. As on many other questions, the Spanish War marked the turning point from speculative to practical discussion. The voyage of the "Oregon" around the Horn held the attention of the American people for weeks and impressed upon them as nothing else could have done the importance of an isthmian canal. After the war the question became closely connected with the policy of commercial and colonial expansion in the Pacific, and the canal was recognized as a necessity. It was to be expected that William P. Hepburn, the chairman of the Committee on Interstate and Foreign Commerce, would play an important rôle in promoting the construction of an inter-oceanic canal and that his attitude would be characterized by intense Americanism.[284]

Five years elapsed after Hepburn became chairman of the Committee on Interstate and Foreign Commerce before he could secure a

direct vote of the House upon the proposition of building an isthmian canal. During the Fifty-fourth Congress this committee, after giving the subject careful attention, reported a bill which provided that the United States government should furnish financial support to the Maritime Canal Company of Nicaragua to carry on the work. It was the opinion of the committee, based upon the report of the Nicaragua Canal Board of 1895, that "a commanding sense of patriotic duty to our whole country demands that the Government of the United States give such aid to the enterprise as will assure its speedy and economical construction." The newspapers with one acclaim urged Congress to take prompt action. Although more than three hundred members of the House of Representatives petitioned that a special order be made for the consideration of the canal bill, Speaker Reed and the Committee on Rules stood firm in opposition, so the measure expired quietly with the adjournment of the Fifty-fourth Congress.[285]

During the first session of the Fifty-fifth Congress the President was authorized to appoint another commission to survey the various canal routes and obtain full information as to the feasibility and cost of the project. The pressure for canal legislation was steadily increasing and new diplomatic entanglements

were adding to the difficulties of the situation. In January, 1899, the Senate passed a bill which proposed the reorganization of the Maritime Canal Company and provided that the United States government should descend "from the character of a sovereign to become a majority stockholder in a corporation" it had created. The government was to furnish all the money and bear the responsibilities, and at the same time share the pecuniary benefits with other stock-holders.

Meanwhile four bills, including one drafted by Colonel Hepburn, had been introduced in the House. On February 13th the Committee on Interstate and Foreign Commerce reported in favor of substituting the text of the Hepburn bill for the Senate bill. The substitute authorized the President to purchase from Costa Rica and Nicaragua the territory through which to build the canal; and the Secretary of War was to construct a waterway of proper capacity from Greytown to Brito, build harbors, and erect all necessary fortifications. Engineers from the Army and Navy were to be detailed to assist in the work. To cover the cost of construction the sum of $115,000,000 was to be appropriated.[286]

Hepburn's canal bill was referred to the Committee of the Whole — which precluded any possibility of consideration except by unani-

mous consent or a special order from the Committee on Rules. The same men who controlled the House during the Fifty-fourth Congress were in power during the Fifty-fifth, so that the prospect of canal legislation seemed rather gloomy. Moreover, every moment of the remainder of the session was needed for the consideration of five major appropriation bills. In this plight Hepburn determined to offer his bill as an amendment to the sundry civil appropriation bill of which wary Joseph G. Cannon was in charge. He hoped, in case a point of order against such procedure should be sustained by the Chair, that the friends of the canal bill would be numerous enough to overrule the decision. Cannon was on his guard, however, and with the full sympathy of the Speaker he mustered every influence to prevent the contemplated coup.[287]

Events transpired precisely as they were planned. On February 14th Hepburn offered his amendment, and Cannon made the point of order that it was not germane, that it proposed new legislation, and that it appropriated money in pursuance of a public work not in progress. To these objections the Colonel replied that the only questions of order that could properly arise were whether the work was in progress and whether the amendment proposed new legislation. Progress in the work of construction

he defined as "any steps from the point of inception to the point of conclusion", and he insisted that the surveys of the canal commissions of 1895 and 1897 were progressive steps in the contemplation of the rule. He maintained that the building of an isthmian canal had been the object of legislation for at least two sessions of Congress — in the sundry civil bills of 1895 and 1898 — and was therefore not new legislation. Even if no such precedent had existed he held that the major proposition in his amendment was the appropriation of funds and that the other provisions of the bill were nothing more than limitations upon the manner of expending the money. The section which prescribed that the President should purchase territory was simply declaratory of a power he already possessed.[288]

When Colonel Hepburn concluded his speech Joseph G. Cannon secured the floor to defend the point of order and pronounce his interpretation of the Hepburn amendment. That done he accused the Committee of Interstate and Foreign Commerce of delaying two months and a half before reporting the Nicaragua canal bill. With only three weeks in which to pass the appropriation bills, he exclaimed, "in comes the Iowa joker turning a double somersault and champing on the bit, and seeks to move this bill upon the great sundry civil bill and tries to

juggle with the House and persuade it that it is the only chance which the House has to pass the bill." The amendment, he declared, was "not germane to anything in this bill", and as for himself he proposed to "stand, not with the cross, but with the rules, containing Rule XXI, the concrete wisdom of the Congress for the guidance in the enactment of law for one hundred and ten years" and to "hold it up and interpose it . . . . and say it can not in this way be dishonored". In an impassioned peroration he charged Hepburn with attempting to humble, disgrace, discredit, and spit upon the rules of the House.

Every member of the Committee of the Whole "was impressed not only with the language, but the manner and the spirit of the gentleman from Illinois when he pronounced his eulogy upon the rules, their sacred character, as he held them aloft, speaking of the cross, and assimilated their sacredness to that sacred emblem", said the Colonel in reply. "It was a very dramatic episode in the gentleman's speech, and would seem to indicate that the rules of this House had some coercive force upon his action, and that the rules of this House, he thought, ought to be obeyed. Yet the gentleman charged me with an offense against the House, in juggling with it."

"Mr. Chairman, look at this bill", he con-

tinued, referring to the sundry civil bill. "In the first 19 pages of it the gentleman himself thirteen times violated that rule. Thirteen times! And I undertake to say that I can find 75 distinct and substantive violations of the rules." The Colonel then proceeded to point out a few striking instances.

Cannon hastened to explain that all general appropriation bills contained similar examples. "They sometimes pass and sometimes do not; but they always go out if the gentleman from Iowa or any other member invokes the rule. I here invoke the rule."

"Undoubtedly the gentleman can be kept within the rule if the gentleman from Iowa could always be after him", Hepburn answered.

"Well, I am after you in this", returned Cannon.

"If I can bring it about, I intend you shall continue to be after me, and a long way behind", retorted the Colonel. "Bringing in a bill making an appropriation and hoping it may escape observation, that others may not be diligent, and in that way the rule may be violated. I say . . . . he has spat on the rules over and over again."

At this juncture the debate became general. Sarcasm was answered with vituperation and the air became mephitic. Joseph W. Bailey of Texas tried to "put out the fire with constitu-

tional kerosene", but the experiment failed. Alexander M. Dockerty boldly asserted that the majority of the House was expected to overrule the decision of the chair and hold the canal proposition to be in order. William H. Moody and William A. Smith indulged in a lively intellectual tilt which added parliamentary fuel to the fiery contest. Finally, Charles H. Grosvenor, who could not understand what made Cannon "shout like a leader in a camp meeting", closed the debate with as much fervor as any of his predecessors. After an extended argument the Chairman sustained the point of order made by "the gentleman from Illinois" and held that the canal amendment was not in order. Thereupon Hepburn, "with the very greatest respect", appealed from the decision of the Chair. On the division that followed, his appeal was defeated by a majority of eighteen votes. Thus ended the possibility of the Fifty-fifth Congress authorizing the construction of the isthmian canal.[289]

From the time the Fifty-fifth Congress adjourned until the beginning of the Fifty-sixth, the fight against the Nicaragua canal project never abated. The transcontinental railroads were prepared to array their influence against any plan that seemed likely to succeed; and the New Panama Canal Company, fearful of losing its franchise and property, maintained a power-

ful lobby in Washington, invited Congressmen to visit the Isthmus at the expense of the company, and employed powerful agencies to influence public opinion in favor of the Panama route. The situation was further complicated by the negotiation of the Hay-Pauncefote treaty. Throughout the controversy Hepburn never wavered in his determination that an isthmian canal should be built through Nicaragua.[290]

The parliamentary situation changed in the Fifty-sixth Congress the instant that David B. Henderson took the Speaker's chair. Although the Reed rules were adopted it was understood that the new administration would allow the Nicaragua canal bill to come before the House for consideration on its merits. On March 3, 1899, the Isthmian Canal Commission had been authorized to make a complete investigation of the possible canal routes, but Hepburn refused to await the report. He introduced a bill on December 7, 1899, which in substance was practically the same as the one he had fathered in the previous session of Congress. The Committee on Interstate and Foreign Commerce amended the bill by substituting more guarded phrases in reference to the defense of the canal, by removing the restriction upon the President relative to detailing engineers of the Army and Navy for the work, and by appropriating

only ten million of the one hundred and forty million dollars fixed as the aggregate cost.[291]

On February 17, 1900, Hepburn reported his bill as amended to the House where it was referred to the Committee of the Whole. In his report the Colonel showed very clearly that he wanted an American canal, built by Americans with American capital, and protected by American fortifications. Having briefly summarized the need, practicability, cost, and probable revenue to be derived from the canal he launched into a discussion of the international problems connected with the project. He adhered strictly to the Monroe Doctrine and declared that the Clayton-Bulwer treaty had long before ceased to have any binding force.[292]

People who favored an isthmian canal concurred in the vigorous American policy so tersely stated by Colonel Hepburn. The editor of the *Review of Reviews,* Albert Shaw, heartily endorsed "the able and sound report". "Stand by your guns!" wrote O. E. Payne. "No such opportunity to make the Monroe Doctrine, or to undo it, was ever presented to our country. It will be the greatest achievement in American statesmanship, during the past twenty-five years". Another correspondent informed the Colonel that his "logical and convincing construction of the Clayton-Bulwer Convention" was irrefutable. "Seldom have I

read a state document," he continued, "in any of the five languages over which my study of international politics and general political science extends, which for concise and exhaustive statement of the subject-matter could excel the terse and yet comprehensive and lucid presentation of the Nicaragua canal question in your report."[293]

There was of course much opposition to the bill. The opponents of any isthmian canal renewed their activity. There were others who desired a different route. Among those who favored the Nicaragua canal there were divergent opinions. The *Outlook* disparaged the idea of making the canal a national highway of the United States and advocated neutralization according to the terms of the original Hay-Pauncefote treaty. A minority of the Committee on Interstate and Foreign Commerce, while agreeing with the majority on an exclusively American canal, wished to postpone action until the Hay-Pauncefote treaty was amended to give the United States the absolute right to own and control the canal. The Chicago *Inter-Ocean* took the attitude that the Nicaragua canal bill was in plain violation of the Clayton-Bulwer treaty and insinuated that Hepburn, because he saw no necessity of the Hay-Pauncefote treaty, was therefore urging the passage of his bill, under which no canal

could be constructed, in order to defeat the whole project and thereby secure the friendship of the transcontinental railroads.[294]

Three days after the Nicaragua canal bill was reported Hepburn asked unanimous consent to set a day for its consideration, but Joseph G. Cannon objected; and on two later occasions Theodore E. Burton objected to similar motions. Weeks passed and a discussion of the bill could not be obtained. At last, however, it was made a special order for the first and second of May, 1900.[295]

At the appointed time Colonel Hepburn opened the debate by reviewing the history of American efforts to build an inter-oceanic canal. In anticipation of the arguments of Representatives who had doubts in regard to the engineering features of the Nicaragua canal —"and doubts are all they have upon these matters of engineering", he added parenthetically — the Colonel enumerated the many surveys and verifications of surveys of the Nicaragua route, every one of which had reported the canal to be feasible. Indeed, every portion of the route had been so thoroughly investigated that he felt almost justified in saying that a photograph had been obtained "of every grasshopper and bug that could be found in all that 179 miles of tropical country." In the light of that information there seemed to be

no necessity for further postponement of legislation.[296]

The diplomatic aspect of the question next occupied Hepburn's attention. He cited a long list of statesmen who maintained that the Clayton-Bulwer treaty was no longer operative because it had become obsolete or had been "violated by Great Britain in such a degree as to justify us in no longer recognizing its potency". Even if that were not true he insisted that the United States would be justified in abrogating the treaty on the ground that the right to make a treaty is dependent on circumstances and therefore no treaty is binding for all time. "I say that the conditions have so changed, I say that our necessities have so changed, I say that our interests are so great as to demand that the people of this generation will not longer be bound by the barrier that was interposed by another generation half a century ago."

When it was suggested that the ratification of the pending Hay-Pauncefote treaty giving England equal rights in the canal would nullify the provisions of the canal bill, Hepburn asked if it was proposed "to stop now because of the fear that something may lie in the future". His opinion was "that if this House of Representatives, by an almost unanimous vote, declares that it ought to be the policy of the

American people to own that canal, untrammeled by entangling alliances with any nation or nations, there is no official in the United States that will dare to say nay to that."

Colonel Hepburn wanted "an American canal to be built and controlled by our own people absolutely and exclusively. We want a canal that will discriminate, if discrimination is to be made, in favor of our own people. In other words, we want to control the enterprise ourselves absolutely and entirely." With those objects in view he could not see how the Panama route would subserve the purposes of the United States. Two hundred and fifty-six million dollars had been squandered on the Panama Canal and none of the chief engineering feats of construction were past the stage of speculation, and the major portion of the stock of the New Panama Canal Company was scattered all over France and not for sale. So Hepburn had no hesitation in advocating the Nicaragua route which could be controlled by the government and which would not cost more than one hundred and forty-five million dollars.

In connection with the advantages of government ownership the Colonel declared that the free use of the canal by American ships would be the "means of stimulating shipbuilding in the shipyards in the United States" and the law which authorized the construction of the

canal by the government would be "the most important item of legislation that this country has undertaken to enact in the last thirty years."

This speech by Colonel Hepburn opened the flood gates of Congressional oratory. Indeed, so many members wished to speak that some difficulty was experienced in dividing the time among the contending factions. For hours men declaimed, and extended their remarks in the *Congressional Record* until every phase of the question had been exhausted. As usual Joseph G. Cannon constituted the disturbing element in the debate. He urged further postponement of canal legislation and insinuated that Hepburn was promoting the bill because in reality it would tend to delay the construction of the canal.[297]

In the evening the Colonel replied "to certain strictures upon the pending bill indulged in by the gentleman from Illinois . . . . in his hysterical assault" and challenged Cannon's sincerity. He closed with an appeal to support the Nicaragua canal bill. "It is possible, I know," he said, "that a better bill than this should be had; it was not possible for me to draw one . . . . I know that I have yielded much of my convictions as to what was best in order to secure that which was possible. Let me urge you to do the same."

On the following day Cannon took occasion to remark that "when a man anywhere is ready to challenge the sincerity of a fellow-member on the floor of the House that he is only ready to do so perhaps because he turns his glance inward and applies the proposition to himself as to what he might do under similar circumstances."[298]

Thereupon Hepburn arose to say that on all occasions where Cannon "has had an opportunity, by insolent interference, he has attempted to stop the progress of this great work . . . . Twice in the last five years his committee, that never gave a word of attention or study to the subject, have intervened and have secured a suspension of action . . . . I say this to him, if he means to father it, that the man who said that I was not in good faith, that I had any other purpose than that of securing at the earliest moment that canal that would most benefit us, I say that he lied; and if it was parliamentary to do it, I would say the man that attempted to give currency to it by its repetition here was a liar."

"I have seen in my time other men and members trying to play the cuttlefish act and muddy the waters and swim away", jeered Cannon.

"I propose no cuttlefish movement here", retorted Hepburn. "I do not propose to muddy the waters and get away. I am responsible for

what I have said to the gentleman and to this House. I have weighed my words; and while they are earnest, I know what they mean. I believe that he tried to dishonor me here, and I resent it. I want him to understand it."

Every effort was made to rob the bill of its exclusive American features when it was debated section by section. Hepburn was on the alert, however, and the bill passed by a vote of two hundred and twenty-four to thirty-six in practically the same form that it was reported. In the Senate the Hepburn canal bill was reported without amendment, but during the remainder of the first session of the Fifty-sixth Congress and throughout the second session it was impossible to obtain a discussion of the measure.[299]

The Fifty-seventh Congress had been in session only four days when Hepburn again introduced his Nicaragua canal bill. On December 19, 1901, three days after the ratification of the Hay-Pauncefote treaty which expressly abrogated the Clayton-Bulwer convention and gave the United States exclusive control of the canal, the Committee on Interstate and Foreign Commerce reported the Hepburn canal bill with the "earnest recommendation" that it pass. Except that one hundred and eighty million dollars instead of one hundred and forty million dollars was fixed as the limit of cost,

this bill was identical with the one that passed the House in the previous Congress.[300]

Colonel Hepburn opened the debate upon his bill on January 7, 1902. He emphasized the fact that the bill "invested the President with all the authority necessary to accomplish all that is preliminary and then to accomplish this great work . . . . There is no divided authority under the terms of this bill. There is no commission. There is no place made in this bill for the retirement of partially defunct statesmen." The increased cost, he explained, was due to plans for a wider and deeper canal. Again he touched upon the free use of the canal as a subsidy for American shipping.[301]

In the course of the debate the Colonel was asked what objection there would be to providing in the bill for an alternative route if the interests of the New Panama Canal Company could be purchased at a fair price. "I believe so supremely in the superiority of the route that is nearest to us", he replied, "that I want to labor, if I can, to carry out the views of the committee that I represent; and I look upon any attempt to entangle us in any way with the Panama Canal as simply another effort in the direction of delay." Besides being four hundred miles nearer the United States, he stated, the Nicaragua route possessed the advantage of being at a point where trade winds prevail

for the benefit of sailing vessels and contribute towards making that route the "healthiest of all tropical regions" in contrast to "the cemetery owned by the Panama Canal Company". Moreover, he had been told that the passage of a vessel through the distance of fresh water in the Nicaragua Canal would have an appreciable effect in freeing the ships from barnacles. As to the probability of the Panama Canal being completed to compete with the Nicaragua Canal he replied that the French government would build its capital on the Mall in Washington as soon. Admitting that the locks of the canal might be destroyed by a stick of dynamite, he added that there was also a possibility of the assassination of the President of the United States.

After two hours of discussion led by Colonel Hepburn the general debate began and continued through three days. Conditions had changed since 1900 so that there was no direct opposition to the bill and only a few members of the House had the temerity to offer amendments. The relative merit of the Panama and Nicaragua routes was the subject of most of the debate, although the control and fortification of the canal received some attention. Many of the speakers paid a timely tribute to the zeal and perseverance of Colonel Hepburn who had "pressed this bill before the House for so many

years.'' Toward the end of the debate Cannon delivered a long address in which he advised further delay; and Hepburn replied in a speech replete with stinging sarcasm. It was a little after five o'clock on January 9, 1902, when the vote on the passage of the Hepburn canal bill was taken: three hundred and eight Representatives responded yea and only two said nay.[302]

The passage of the Hepburn canal bill was hailed in Iowa as ''one of the most remarkable legislative acts recorded in history'' and the ''greatest compliment ever paid by the house to a congressman''. Elsewhere, however, the offer of the New Panama Canal Company to sell its interests for forty million dollars caused a marked trend of public opinion away from the Nicaragua route. On January 18th the Isthmian Canal Commission filed a report in favor of the Panama route and when the Hepburn bill came before the Senate for debate John C. Spooner offered an amendment authorizing the President to acquire the property of the New Panama Canal Company and a strip of land from Colombia within a reasonable time and upon reasonable terms; but if that could not be accomplished then he was to secure the necessary territory through Nicaragua and proceed to build the canal there. Furthermore, the construction of the canal was to be in the hands of

a commission of seven members. The bill as amended passed the Senate by a vote of sixty-seven to six. At first the House refused to concur in the Senate amendments, but after a conference the Spooner measure was adopted by a vote of two hundred and sixty to eight, probably because the majority in the House believed the President would not be able to make acceptable negotiations for the Panama route within a reasonable time. The act was signed by President Roosevelt on June 28, 1902.[303]

In moving the adoption of the conference report Colonel Hepburn said that he had not in "any manner modified" his opinions of the "wisdom of the action of the House on the 9th day of last January", for he still believed in the Nicaragua route and in the concentration of authority in the President. Despite all the defects of the Senate amendments, however, he believed it would be better to do something than to delay any longer "the beginning of some work in the direction of accomplishment". Indeed, as early as January 28, 1902, he had written to a friend that he wanted a canal and preferred the Nicaragua route, but if that route could not be obtained he would support the Panama route rather than have no canal.[304]

Seizing advantage of an opportune revolution in Colombia, the government of the United States recognized the independence of Panama

on November 6, 1903; and on November 18th a treaty was signed with the new republic which granted to the United States in perpetuity the use, occupation, and control of a canal zone across the Isthmus.[305] On April 16, 1904, a Senate bill which appropriated ten million dollars in payment for the Canal Zone and outlined a form of government for the same was referred to the House Committee on Interstate and Foreign Commerce. Two days before President Roosevelt had written to Colonel Hepburn: "I hope you will be able to put through the Panama legislation. It seems to me absolutely necessary that we should have something of the kind." Hepburn reported the bill on April 20th, it passed the House on the following day, and was approved by the President a week later.[306]

Thus ended the long struggle for legislation authorizing the construction of the isthmian canal by the United States. There were, of course, many questions pertaining to the canal which remained to be decided by Congress, and until the end of his public career Colonel Hepburn was prominent in shaping canal legislation. For the purpose of securing first-hand information of conditions in the Canal Zone he made two trips to Panama with the Committee on Interstate and Foreign Commerce — once in November, 1904, and again in December, 1908.

He was the author of a bill to regulate the finances connected with the construction of the canal: the measure was introduced on the opening day of the Fifty-ninth Congress, ran the gauntlet of both chambers, and was approved by the President seventeen days later. Again, in 1906 when it became necessary to determine whether the Panama Canal should be of sea-level or lock type a Senate bill providing for a lock canal identical with one introduced in the House by Colonel Hepburn gained enactment.[307]

Both the Republican and Democratic members of the Committee on Interstate and Foreign Commerce united in giving William P. Hepburn the credit for making the Panama Canal a reality. Irving P. Wanger declared that "it was through the determined, able, broadminded efforts of our chairman that the construction of an Isthmian canal, has been made an immediate possibility, and its completion within a reasonable time a positive certainty." It was the opinion of William C. Adamson that when this great waterway should be completed "the name of William Peters Hepburn will be lauded by mankind as that of the man who built the canal."[308]

XXIV

The Election of 1904

During the period William P. Hepburn was engaged in championing the cause of the canal he experienced little difficulty in keeping his seat in Congress. To be sure, in 1898 he encountered some disaffection "growing out of post office matters"; but by October 8th, when the campaign was formally opened, conditions had greatly improved. Since, however, "prudent men do not fail to fight", the Colonel campaigned as vigorously as his health would permit.[309] A Republican majority of twenty-six hundred and five votes completely discredited the assertion that the nomination of Hepburn would be dangerous on account of his small majority in 1896.[310]

When Senator John H. Gear died on July 14, 1900, Colonel Hepburn was urged to become a candidate for the vacant seat in the United States Senate. Buren R. Sherman wrote to Governor Leslie M. Shaw that there was "no more competent or efficient man in all Iowa, for the position of Senator, than William P. Hepburn", since he combined "ability and experi-

ence, with the highest personal accomplishments and correct habits". Jonathan P. Dolliver, Albert B. Cummins, and John F. Lacey were other prominent men who were considered for the place. The question was settled on August 22nd when it was announced that Jonathan P. Dolliver had been selected. Three days later Colonel Hepburn wrote to the Governor expressing his approval of the appointment. Governor Shaw replied that "no letter of the hundreds" that had come to his desk was more valued. "I think I can appreciate the heart-throbs it must have cost you, whatever may have been your judgment, to see another advanced to a position which you had honorably aspired to fill."[311]

Though Colonel Hepburn had planned to participate extensively in the campaign of 1900 he found himself in such ill health that after delivering a few speeches seated in a chair and doubled up with rheumatism he cancelled his engagements and went to Hot Springs, Arkansas, early in September. He returned to Iowa in October, however, and in spite of severe pain made a number of able addresses before election day. He was reëlected to Congress by a majority of forty-six hundred and fifteen votes.[312]

The panic of 1893 was the closing episode of the first period of industrial concentration. After 1896 the recovery of public confidence

caused a revival of speculation, and the drift toward monopoly was renewed. The Republican party, through the leadership of Marcus A. Hanna, became the avowed ally of organized business. Under the protection of the Dingley Tariff of 1897 trusts grew amazingly: prosperity reigned throughout the country. The people had lost none of their antipathy for monopoly, however, and from the West there came the suggestion that the way to control the trusts was through the tariff. In 1901 Albert B. Cummins, the leader of a liberal Republican faction, was elected Governor of Iowa on a platform which demanded "any modification of the tariff schedules that may be required to prevent their affording a shelter to monopoly." For several years following 1901 trusts and the tariff constituted the chief topics in Iowa politics.[313]

In the uneventful campaign of 1902 Colonel Hepburn defeated T. M. Stuart by a majority of sixty-eight hundred and sixty votes — which drew from Senator Dolliver the comment that "this thing seems to grow more easy for you at each election." The political chessboard in 1904, however, did not present such a simple problem. Governor Cummins had been making capital out of the "Iowa idea" that the protective tariff operated as a shelter to monopoly. Supported by the liberal Republicans the

Governor declared in his inaugural address on January 15, 1904, that he favored reciprocity with Canada in competitive agricultural products.

Nearly two months earlier Hepburn, representing the conservative element in the Republican party, had delivered a notable speech in Congress in which he said: "I believe in the doctrine of reciprocity", but with the reciprocal arrangement confined to the "noncompetitive articles that will not interfere with our labor or with our industries." It must have been with feelings of satisfaction, therefore, that he received the news toward the end of January, 1904, that the prevailing sentiment in Iowa was to endure the Governor's "vagaries" no longer and that the Republicans did "not stand for free trade with Canada and the country ought to know it."[314]

An interview which had wide circulation in Iowa newspapers early in March credited Hepburn with the statement that the man "who calls himself a republican and does not believe in protection is not a republican — he is a democrat." He added, however, that revision of the tariff "along the lines of progress and advancement is one of the principles of protection." An "unqualified denial" was the best answer he could give to the claim that the tariff sheltered monopoly. He could see no benefit to

the United States from reciprocity with Canada, and he believed that the "level headed farmers" of Iowa would repudiate any attacks upon the principle of protection.[315]

On April 5, 1904, Hepburn was renominated for Congress with more enthusiasm than had been evinced in many years. "Standpatism reigned supreme." Indeed, from the spirit manifest in the Creston convention and from news of the action of many county conventions Hepburn was enabled to say, when he returned to Congress a few weeks later, that the "Iowa idea" had been "put to rest" and that the Republicans of Iowa had asserted themselves in harmony with the time-honored principles of the party.[316]

In accepting his eleventh Congressional nomination Colonel Hepburn delivered a speech which was received everywhere as a pronouncement of the Republican doctrines that were to dominate the ensuing campaign. Protection of the labor of the country, he asserted, was the basis of Republican political organization and the foundation upon which had been built the "great superstructure of our prosperity." Conceived in the interest of free labor, the Republican party had always adhered to the principle of ameliorating labor conditions. The protective tariff was simply the product of the idea that "capital should not own labor."[317]

He iterated the idea that there was no "sacredness in schedules" because changing conditions would always demand the revision of tariff rates but to the protective principle Republicans would continue to cling. "Sometimes", he said, "we have been told by men in our own party that adhesion to this great principle meant stagnation . . . . that it is only the dead that 'stand pat.'" Those who make such a charge, Hepburn declared, are "as faulty in their theology as they are in their politics." He understood that death "ushers in more glorious possibilities" and constitutes "the hope and the consolation" of Christians. To him the synonym of "stand pat" was "hold fast", and with that definition in mind he deduced that St. Paul, "the wisest of men", was a "standpatter", for it was he who said: "Prove all things: hold fast that which is good."

To Hepburn's mind the benefits of protection had been proved beyond a doubt. Seventy-two years of free trade had made the United States a debtor nation, but under the fostering influence of the protective tariff the balance of trade had turned in favor of the United States and the wealth of other nations poured into this country. In 1860 the surplus wealth in the United States accumulated by "all the toilers during eight generations of men and nearly two

hundred and fifty years of struggle'' was sixteen billion dollars because Americans had bought the necessities of life abroad. ''Then we changed our policy and we began to make for ourselves and to keep here at home that which we made. We have in the United States today not less than eighty-six billions of wealth.'' In view of these results the Colonel pronounced the protective policy to be good. ''I am inclined to think'', he continued, ''that it is the opinion of the republican party, in this part of the state at least, that we will 'hold fast' and that probably, we will be careful hereafter to see to it that those we honor and that those we place in positions of leadership and trust have proven this matter''.

Before concluding his speech Colonel Hepburn could not refrain from reviewing the mistakes of the Democratic party and congratulating the Republicans upon the leadership of Theodore Roosevelt, whom he characterized as being ''honest beyond criticism or cavil; truthful in all utterances; bold under all circumstances; wise in the policy of government; well grounded in the principles that have made this nation great''.[318]

On the relation of the protective tariff to monopoly Hepburn stated his position best in a brilliant speech delivered in the House of Representatives on April 23, 1904. ''We are not in

favor of taking away the tariff from an article simply because it may become the creature of a trust", he declared. "If there is such a shelter found by the trusts as a tariff schedule, we will take care of the trusts in some other way. We will not pull down the scaffolding of our prosperity in order to reach a trust."[319]

When Hepburn was selected to be the temporary chairman of the Republican State convention on July 20, 1904, both Standpatters and Progressives knew that the key-note speech would resound with genuine Republicanism. If there was any apprehension that the Colonel's declaration of principles would offend the "Iowa idea" men the fear was allayed on the evening before the convention when Governor Cummins, in a public address, practically reversed his attitude on reciprocity and the relation of the tariff to trusts.[320] Hepburn devoted the major portion of his speech to a vivid portrayal of the work of the Republican party, lingering especially upon the tariff question as though protection was a magic word which would transform America into a land of peace and plenty. A more extreme statement of conservative Republicanism was scarcely possible, and when Governor Cummins declared that "in its every line and in its every sentiment" the speech expressed his belief, Standpatters and Progressives vied with each other in applause.[321]

The harmony which prevailed in the State convention continued throughout the campaign. Scarcely a day passed from the middle of August until the first of November that Colonel Hepburn did not make a political speech. If he was not participating in a Republican rally somewhere in the eighth district he was working for the good of his party elsewhere in Iowa, praising the protective tariff in New Jersey and Pennsylvania, or electioneering for his committee colleagues in Michigan and Minnesota.[322]

In the course of the campaign the Colonel was asked to state his attitude toward railroad regulation. On August 9th he was requested to prepare an article to be published in *Freight* upon the subject of legislation to increase the powers of the Interstate Commerce Commission, and the following day Henry Wallace, the editor of *Wallaces' Farmer,* tendered him a similar invitation. Both of these proposals he declined, but in his reply to Wallace he vouchsafed a belief "in the necessity of, and the duty of securing, legislative means by which all extortions and all discriminations as to persons, place, and commodities shall be not only prohibited by law, but prevented in fact." He was not prepared to say, in advance of committee hearings, that he favored "giving the power of rate fixing into the hands of a majority of five men" and if he believed that Congress was

dominated by corporations he "certainly would not vote" to delegate that power to the kind of men who usually composed the Interstate Commerce Commission.[323]

A week later Henry Wallace replied that "it is not enough for a member of Congress to be in favor of legislation by means of which all discrimination and extortion shall be prevented in law and in fact. It is his duty to devise the effective method." Whether true or false, the suspicion that Congress was under the control of corporations afforded "a plausible explanation of the present condition of affairs." The farmers of Iowa, he said, could "find little comfort in the thought that they are represented in Congress by men of unusual ability, if that ability is used against them instead of for them." Colonel Hepburn was advised to give the Commission "power to make prima facie rates."[324]

Stimulated by the activity of the Corn Belt Meat Producers' Association and the Western Cattle Growers' Association, the editor of *Wallaces' Farmer* was induced to publish a long open letter to W. P. Hepburn on September 16, 1904. It began with the statement that the "farmers and stockmen of Iowa are learning with surprise and not a little humiliation that by reason of the attitude of some of their representatives in the national congress on the trans-

portation question, they are regarded by the farmers of other states as standing in the way of sorely needed reforms . . . . Particularly they are not able to understand why the representative of the Eighth District . . . . should throw the weight of his influence against any attempt to amend the interstate commerce law.'' Hepburn was reminded that he was defeated in 1886 because the people ''were suffering from discriminations in railroad traffic'' and he ''would promise them no relief.'' Conditions in 1904, it was alleged, were much the same as they had been eighteen years previous — a situation which was entirely satisfactory to the railroads. ''What your constituents and the people of Iowa generally want to know is, Is it satisfactory to you?'' There was never a more appropriate time to give evidence of statesmanship, the letter declared. ''Why not take up a subject in which the people have a vital interest and tell the farmers of your district why they should pay $9.50 per car more on hogs and $10 more on cattle in order that the beef trust may pile up yet other millions''.[325]

This open letter Colonel Hepburn refused to answer. He believed that his Congressional record on railroad regulation was above criticism, and he preferred then as in the past to allow his deeds to speak for the honesty of his

motives. Later events proved that his attitude was unfortunate, for it led to unpleasant misunderstandings. But since he had no confidence in the personnel of the Interstate Commerce Commission it could hardly be expected that he would be enthusiastically in favor of increasing the powers of an incompetent body.[326]

Although the agitation for a new railroad rate law probably had no effect upon the election of 1904 it was the first indication of falling action in the drama of Hepburn's life. While he was returned to Congress by a majority of nearly eleven thousand votes — the widest margin ever polled by a Congressman in the eighth Iowa district — the forces set in motion by Henry Wallace at that time compassed his ultimate defeat. Strange to relate the railroad question was the rock upon which Hepburn's public career was twice wrecked but upon which nevertheless he attained the pinnacle of his fame.[327]

XXV

Trip to the Orient

Early in the spring of 1905 William H. Taft, then Secretary of War, invited a number of Senators and Representatives to accompany him on a trip to the Orient. Colonel Hepburn was among those who accepted the invitation. Although the party did not depart until July, the Colonel and Mrs. Hepburn sailed from San Francisco on the first of June in order that they might spend a few weeks with their daughter, Margaret Hepburn Chamberlain, in Honolulu.[328]

Colonel Hepburn had scarcely set foot upon the soil of Hawaii before he was beset by newspaper reporters armed with a multitude of questions. He told them that the possession of the Hawaiian Islands "as a defensive measure for the Pacific coast" was of "great value to the United States." To Hawaii the Panama Canal would prove to be a boon both in Occidental and Oriental trade. The immigration question, he said, was becoming very serious in America because undesirable classes from southeastern Europe were lodging in the cities

where until the third generation they retained their native language. He thought there would be no change in the policy of Chinese exclusion.[329] Whatever the outcome of the Russo-Japanese War, the United States was bound to maintain the open door in the Orient. "That's what the navy is for", he added significantly. His impressions of Honolulu were very pleasant, and he anticipated that his sojourn would be full of interest.[330]

Judging by the number of addresses Colonel Hepburn delivered it is probable that his visit in Hawaii was productive of as much good to his hosts as to himself. It was said, indeed, that he "gained the Aloha of the people of Hawaii" by his talks and his attractive personality. So varied were the occasions on which he spoke that an opportunity was afforded to express his views on many important questions.[331]

"American Citizenship" was the subject of his speech at the celebration of Flag Day and Kamehameha Day. He spoke of the great problem that was settled by the Civil War, but more especially of the problems yet to be solved. If the United States was to endure, said he, it would be because "civic virtue, high national ideals, and an intelligent conception of the principles of government" were maintained. To attain that end he would have

people put their trust in party organization because political parties had become a part of republican government: he had "always been a partisan." "But I have never excused myself" he continued, "for voting for a candidate known to be unfit by saying that he was regularly nominated by my party, perhaps through my own negligence at the primaries. I can see no line of difference between these public duties and our private duties." Mere obedience to the laws did not constitute good citizenship in the Colonel's opinion.[332]

"The philosophy of the ballot is not always understood", said Hepburn at a Republican rally in July. "The ballot is not given to men as an asset. The ballot imposes duty and obligation upon the men who have it. The man who has the right to cast a ballot has a duty imposed upon him of casting it righteously and rightly, of knowing what it means, and recognizing the fact that when he voted for his candidate, not because he loves the man, or believes in immediate personal benefit, but because he knows that man is pledged to administer his office along the lines that the voter believes to be right and possible."[333]

On the evening of June 12th William P. Hepburn was a guest of honor at a banquet given by the president of the Hawaiian board of health. The object of the gathering was to cel-

ebrate the appropriation by Congress of one hundred and fifty thousand dollars to establish on the leper reservation on Molokai Island, "a hospital station and laboratory of the Public Health and Marine-Hospital Service of the United States for the study of the methods of transmission, cause, and treatment of leprosy." This measure had been introduced in the House of Representatives by Colonel Hepburn on December 21, 1904, reported favorably by him from the Committee on Interstate and Foreign Commerce, and passed by the House on February 28, 1905, after he had obtained unanimous consent for the consideration of the bill.[334]

The felicity of this banquet was duplicated by another on the evening of July 3rd at which Colonel Hepburn responded to a toast to Theodore Roosevelt in a manner that "aroused the patriotism of the guests to the highest pitch".[335] In the course of his remarks he declared that the labor problem was the most serious question with which the President had to deal. "Are we to allow an interest in this country — a labor interest though it may be — to re-write the constitution of the United States, or are we going to adhere to our belief that all men have the right to the pursuit of happiness, embodying as it does the right to make contracts; to control labor, embodying as it does the right to select one's own employers and the amount of stipend

and the duration of the hours for work?" exclaimed the Colonel. "Are we going to say that certain gentlemen who claim to be the especial guardians of labor, shall determine and make it their right that no American citizen without the card of some union and who pays tribute in the form of a tax to a labor organization, shall work?"[336]

The steamship *Manchuria,* bearing the Taft party, arrived at Honolulu on the morning of July 14th and departed in the evening of the same day on the long voyage to the Orient. During the remainder of the tour Colonel and Mrs. Hepburn were members of the official party. At daybreak of July 25th the *Manchuria* was greeted with a magnificent display of fireworks in Tokyo Bay and a few hours later the Taft party disembarked at Yokahama to board a special train bound for Tokyo. For a week the people of Japan overwhelmed their American guests with Oriental hospitality. Not since General Grant visited Nippon had foreign tourists received such a splendid reception. Everywhere Secretary Taft was greeted with shouts of "Banzai", while for Miss Alice Roosevelt there was always a gorgeous bouquet. The whole party was invited to a luncheon with the Emperor, and it was said to be almost worth a trip to Japan to see Colonel "Pete" Hepburn enter the presence of the "Son of Heaven".

From Tokyo the party went to Kyoto, thence to Kobe where the *Manchuria* was waiting, and then out to sea by way of Nagasaki.[337]

It was August 5th, early in the morning, when the big Pacific liner steamed past the frowning fort of Corregidor and entered the placid waters of Manila Bay. For more than a week the Taft party remained in Manila, listening to arguments for changes in the government, visiting the schools, reviewing parades, and attending banquets.[338]

One event was made notable by Colonel Hepburn's "eloquent and powerful" reply to some Filipino orators who demanded a reduction of taxes, more participation in the government, and early independence. He said he could assure them that the United States had no intention of exploiting the islands, was prompted by no purpose of selfishness, and entertained no other desire than to secure the happiness and prosperity of the Filipino people. He ventured to predict that by the time the Filipinos were capable of self-government they would so honor American customs and government that they would be loath to sever their allegiance to "the starry banner of liberty and religious tolerance." He reminded his auditors that free government had usually been founded upon centuries of political experience and the wisdom of great statesmen. In respect to high taxes he

suggested that thoughtful men would recognize the need of providing highways, railroads, and ports in anticipation of future commercial development.[339]

The afternoon of August 14th found Secretary Taft and his companions "sagging south" along the rock-bound coast of Panay Island on a tour of the archipelago. Their purpose was to listen to grievances and acquire information which might have a bearing upon future legislation or administration. A day was spent in Iloilo, the city of beautiful sunsets, and then the party crossed Guimoras Strait to Bacolod on Negros Island where the usual appalling program of processions, luncheons, and drives was endured. Next they touched at Zamboanga on Mindanao Island, the home of the Moros. Jolo, the capital of the Sulu Archipelago, far into the southern seas, was the turning point of the long voyage to the most remote region of American dominions.[340]

On the return northward the Taft party was given a glimpse of a tropical forest on Mindanao Island, and they stopped for a few hours at Cebu, the ancient seat of government in the Philippines, established by Magellan in 1521. They touched at Tacloban on the island of Leyte; felt their way into the shallow harbor of Legaspi near the old Spanish town of Albay; and crossed the phosphorescent bay of Sorso-

gon on a "blazing tropic night" when the wake of the boat formed "a welt of light". On the morning of August 28th the tourists found themselves once more inside the Manila breakwater.[341]

After two days spent in listening to arguments for and against Philippine independence, Secretary Taft and his companions boarded the United States army transport *Logan* bound for Hongkong, China. From there they steamed up Pearl River to visit the squalid city of Canton. On September 6th the Pacific Mail steamer *Korea,* with most of the Taft party on board, passed out into the China Sea and took her course northeastward. She stopped at Amoy to take on a cargo of Formosa tea, lay at anchor a few hours in the harbor of Shanghai, coaled at Nagasaki, picked her way through the enchanting Inland Sea to Kobe, thence to Yokahama, and then out to the open sea, booming along the great circle route to San Francisco, back from the East to the West.[342]

XXVI

Railroad Regulation

In every man's life, no matter how versatile he may be, there can be discovered some interest more determinate of the course of his career than all others, some events so portentous that they form the guide posts of his conduct, some deeds so important that in contrast all other acts seem overshadowed. So it was with William P. Hepburn. As a pioneer he shared in the great work of building the West; he participated in the mighty conflict to preserve the Union; and he was instrumental in enacting some of the most momentous legislation of the twentieth century. But it was his work upon the transportation problem that constituted his principal achievement and earned for him enduring fame.

When Colonel Hepburn returned to Congress in 1893 he was appointed to the Committee on Interstate and Foreign Commerce and the Committee on Pacific Railroads. For fourteen years he was the chairman of the former committee, and he served upon the latter until 1903. It was in connection with the work of

these committees that he exerted the influence of his convictions on the relation of the government to the railroads.

The settlement of the United States subsidy claims against the Pacific railroads constituted a vexed question in the halls of Congress for many years, and Hepburn devoted much time to the study of the intricate details of the problem. The railroad companies, anxious to negotiate a settlement with the United States, offered several reasonable refunding schemes which were invariably defeated — despite the support of the majority of the Committee on Pacific Railroads. Some Congressmen were opposed to any plan which savored of accommodation to corporations no matter how fair the proposition might be. There were others, led by the California delegation, who wished to force the government to foreclose and become the owner of the torso of a non-paying trunk road (without terminals or feeders) at a price above the value of the line.[343]

Colonel Hepburn consistently advocated the adoption of various refunding proposals because he thought they offered the best attainable solution of the problem. He had no sympathy with the notion that there was no obligation to be honest with a corporation.[344] It was proposed in 1897 to withhold the money appropriated to pay a government debt of more

than a million dollars to the Southern Pacific Company for transportation and apply the sum on the debt of the Central Pacific to the United States, on the ground that the owners of the Southern Pacific and the Central Pacific were practically the same persons. Hepburn protested vigorously. "The whole argument of the gentlemen", he said, "must rest upon the fact of the absolute identity of the individual atoms composing the corporations. If there is one man who is a stockholder in one of the roads, and not in the other, then the act proposed here is a robbery of that man." He refused to conform his ideas of equity and justice to "this highwayman's plea" that might makes right.[345]

Settlement of the Pacific railway claims by foreclosure was favored by the Colonel only as a last resort. The United States was dealing with delinquent debtors, he explained, and held inadequate security in the form of second mortgages upon trunk lines without terminals. He contended that foreclosure would result in the total loss of the government claims, because in order to make the security available it would be necessary to pay off first mortgages at a cost greater than the value of the railroads. Speaking of such a contingency in connection with the Union Pacific, he declared that the government would hold the title to a railroad worth at

the most fifty or sixty million dollars in which had been invested more than one hundred and sixty-four million dollars.[346]

Furthermore, the roads acquired by foreclosure would have no terminals and very little local traffic. Hepburn described the Central Pacific as "a road that starts from no place [five miles west of Ogden, Utah] and runs to no place [San Jose, California]". Five hundred miles of the road crossed the arid plains of Nevada and did not "furnish local traffic enough to this road to pay for the oil and waste with which the axles are greased."[347]

That foreclosure would be the first step toward the ownership and operation of "every mile of railway in the United States" the Colonel had no doubt. He felt safe in surmising that the Populists and the Congressmen from California would be willing to lose the entire debt due to the United States if they could secure the ownership and operation of the Pacific railroads by the government. "I have studied that phase of this question", he said, and "I do not believe that we are ready to go into that experiment." He asserted that the "burdensome and costly" undertaking had failed in seven States and in every European country except Belgium and Hungary. He was not willing that the United States should expend billions of dollars to purchase the rail-

ways of the country and add hundreds of thousands of names to the list of government employees.[348]

This "striking chapter in the history of transportation in the United States" was closed abruptly and with unexpected felicity between 1897 and 1899 when the main Pacific railways, creatures of the government and the targets of unnumbered debates, paid or amply guaranteed to pay the huge sum of principal and accumulated interest on the government loan. Apprehension lest the government claims would be entirely lost subsided and dreams of government ownership vanished.[349]

The most potent factor causing the settlement of the Pacific railway claims was the ambition of Edward H. Harriman to convert the various lines into a transcontinental system. The Interstate Commerce Act of 1887 had prohibited coöperation among railroads by making pools and rate agreements illegal. To avoid destructive competition the stronger lines leased the weaker with the result that at the opening of the twentieth century nearly all the railroads had been combined to form a few extensive systems. The direct effect of consolidation was a continual rise of freight rates and the revival of rebates and discrimination, much to the dissatisfaction of the public.[350]

In the midst of the spreading discontent it

was discovered that the regulative machinery of the government was not adequate to cope with the new emergency. In 1896 the Supreme Court held that the Interstate Commerce Commission had no power to modify railroad rates; and in the following year the same tribunal denied the right of the Commission to establish the reasonableness of relative rates between competing places, thereby nullifying the "long and short haul" clause of the Interstate Commerce Act of 1887. Stripped of its force the law was in imperative need of amendment, but Congress was engrossed with the Spanish War, imperialism, and the isthmian canal. Not until President Roosevelt began to brandish the "big stick" and preach the "square deal" were steps taken to meet the situation.[351]

In 1903 the Elkins Act passed Congress with remarkable celerity. According to the terms of that law, common carriers were confined strictly to published rates; discrimination could be restrained by injunction; shippers were made liable to prosecution; and the penalty of imprisonment was revoked. Framed in "consonance and in harmony" with oft-repeated recommendations of the Interstate Commerce Commission, the bill was good though "possibly not the best", said Hepburn in support of the measure. During sixteen years there had not been a single conviction for discrimination or

rebating, simply because "the community of kindly feeling" among the malefactors combined with the penalty of imprisonment prevented one member of the group from testifying against his fellows. The Colonel believed that the Elkins Act would stop discrimination, and if that could be accomplished most of the evils would "cease to exist."[352]

While the Elkins law helped to stabilize rates for the time being it was scarcely more than "a truce of the principals to abolish piracy." During the second session of the Fifty-eighth Congress the Cooper-Quarles bill to define the powers and duties of the Interstate Commerce Commission received some attention, but no definite action was taken. Meanwhile the public demand for general remedial legislation was becoming more urgent. Manifestly something had to be done to guarantee reasonable rates to all shippers and to smash the system whereby enormous industrial monopolies were created by gross favoritism in transportation through the operation of rebates, drawbacks, terminal facilities, and private car lines.[353]

The situation was brought to a crisis by President Roosevelt's declaration in his annual message to Congress in December, 1904, that it was "necessary to put a complete stop to all rebates" and that "the most important legislative act" then needed was a law conferring

upon the Interstate Commerce Commission "the power to revise rates and regulations, [when a particular rate was challenged and found to be unreasonable] the revised rate to at once go into effect, and to stay in effect unless and until the court of review reverses it." "That message", wrote Colonel Hepburn, "changed the question of rate making by the Commission from an academic one to a very actual one. No matter what might be said abstractly against the policy of Governmental interference, or about the rights of property under the theory of the Constitution the matter had to be treated as one of those well nigh universal demands where the interests of the people overshadowed all mere ethical discussion and policy." The Colonel was "satisfied that, although, perhaps Government interference might not be best, and that some rights of corporations might, perhaps, be invaded, yet control was to come, and was to be the Governmental policy."[354]

The third session of the Fifty-eighth Congress had scarcely begun before the House Committee on Interstate and Foreign Commerce commenced to conduct hearings on railroad regulation; it devoted the following two months almost entirely to the consideration of that subject. An enormous amount of evidence was submitted by representatives of railroads,

mercantile associations, and producers, all of it essentially selfish though usually screened behind an apparent solicitude for the public welfare. With remarkable dexterity, however, the members of the Committee, and particularly Chairman Hepburn, succeeded in stripping the masks of sincerity from the witnesses and in revealing their real motives.[355]

Before the end of January, 1905, no less than twenty-three bills to increase the powers of the Interstate Commerce Commission, to expedite its action, and to provide for judicial review of its orders had been considered by the Committee on Interstate and Foreign Commerce. The Cooper-Quarles bill still had a few friends. Two supplementary bills introduced by John J. Esch and Charles E. Townsend were supposed to enjoy Presidential favor. Robert C. Davey had framed a measure embodying the ideas of several Democratic Congressmen, and William R. Hearst was the author and chief advocate of a bill of his own.[356]

Meanwhile Colonel Hepburn was "quietly at work . . . . trying to evolve a legislative scheme that would meet the demands of the people; that would be effective in its operation, and that would not be detrimental to public interests." With the assistance of Attorney General William H. Moody he incorporated his views in a bill that was introduced in the House

of Representatives on January 21, 1905.[357]

The Hepburn bill provided that a new Interstate Commerce Commission composed of seven members with salaries of ten thousand dollars a year should be established and invested with power to fix reasonable rates that would become effective within sixty days. The orders of the Commission were subject to review by a Court of Commerce to be composed of five circuit judges sitting as a court of equity. Pending judicial review the orders of the Commission might be suspended if they seemed unjust to the court, and in that event the railroads were required to give a bond to cover all damages to shippers caused by the delay.

The provisions of the Hepburn bill excited comment throughout the country, for it was generally known that the measure had been framed with the coöperation of the President, the Attorney General, and railroad experts — particularly J. W. Blythe, general solicitor for the Burlington railroad and political dictator in southern Iowa. The sanction of the President raised one presumption, but the "circumstances attending the birth of the measure" raised another in the mind of the Washington correspondent for the Chicago *Record-Herald*. The Chicago *Tribune* declared that the bill had "all the earmarks of a measure created by a corporation attorney" purely in the interests of

the railroads.[358] There were newspaper editors like George D. Perkins of the Sioux City *Journal,* however, who realized that there were two sides to the rate question and that the object of legislation was not to penalize the railroads but to secure justice between shippers and carriers. If Hepburn, seeking to obtain the best ideas on the subject, closeted himself with representatives of the railroads on the assumption that they might know something about rate making, this was to his credit. The Philadelphia *Press* pronounced the bill to be a fair, rational, practical, and constitutional scheme of protecting the property rights of railroads and at the same time affording relief from unfair rates. "There is every reason to believe that Congressman Hepburn has proposed a law which will answer the needs of the hour, and in doing so has performed a distinct and signal service for the people" was the opinion expressed in the Burlington *Hawk-Eye.*[359]

Prejudice, however, gave currency to the suspicion that there was a joker somewhere in the bill. The notion that Hepburn was not in sympathy with President Roosevelt's program of railroad regulation seems to have been prevalent. Henry Wallace — who had addressed several open letters to W. P. Hepburn demanding that he stop "talking wisely of the intricacy of the transportation question, of the danger of

placing so much power in the hands of the commission, of the doubt whether such a law would be constitutional, of the necessity of acting with caution'' and report a measure in accord with the President's message — attacked the Hepburn bill with candid opposition. Associations of manufacturers and producers likewise protested, chiefly perhaps because they had favored the Cooper-Quarles bill and were reluctant to have it displaced. Governor Cummins was so prominent in criticizing the bill that the New York *Press* concluded that a ''cyclone of popular wrath'' had been raised in the West which would demand ''that the perfidious Iowan sidetrack his obstruction to the Presidential train, for which the people have ordered the right-of-way.''[360]

Among the members of the Committee on Interstate and Foreign Commerce there was disagreement over the provisions of the proposed rate law. The six Democrats were pledged to support either the Davey or Hearst bill; Mr. Esch and Mr. Townsend stood by their own bills with the added endorsement of Mr. Lovering; while only eight Republicans — one less than a majority — could be mustered in favor of the Hepburn bill. In that emergency, Chairman Hepburn, anxious to obtain legislation on the subject and desirous of protecting his committee from the taunts ''of every scrib-

bler who wanted sensational headlines", proposed that the Esch bill which enlarged the powers of the Interstate Commerce Commission and the Townsend bill which established a court of transportation should be combined and supplemented with a few amendments suggested by himself. After consultations with President Roosevelt the resultant Esch-Townsend bill was reported on January 31, 1905, and, the Colonel having whipped several obstinate Congressmen into harmony, it passed the House nine days later by a vote of three hundred and twenty-six to seventeen. In spite of that remarkable vote the Esch-Townsend bill was promptly killed in the Senate by the adoption of a resolution for an elaborate investigation of railroad regulation that consumed the greater part of the ensuing spring and summer.[361]

The feature of the four-day's debate in the House was the closing speech by Colonel Hepburn. To an audience that filled the floor and galleries he spoke for more than an hour in a manner acknowledged by his opponents to be masterly. One newspaper correspondent seems to have expressed the consensus of opinion when he wrote that the speech was "the most complete and eloquent exposition of the aims of the president and the republican party in the direction of interstate commerce reform that

was ever made on the floor of the house of representatives."[362]

Some of the Colonel's critics were gracious enough to admit that his action in supporting the Esch-Townsend bill was manly and fair. Several members of the Committee on Interstate and Foreign Commerce also took occasion during the debate to express the opinion that "no man could have been fairer or more considerate, more conscientious in his efforts to get at the truth and then to enact into law the best bill that could be prepared" than "the distinguished chairman" of the Committee, Hon. W. P. Hepburn, who "should be awarded the honor for whatever of benefit" the Esch-Townsend bill might accomplish.[363]

There were some faultfinders, however, who could not believe that Colonel Hepburn was capable of honest conduct. A report that some fanatics in Cass County, Iowa, had hanged him in effigy was given wide publicity, and for the first time during the eighteen years he had been a member of the House of Representatives the Colonel was compelled to "obtrude a matter of personal interest" into the proceedings. Hitherto when criticised he had borne it and when slandered he had submitted to it, content that his acts should answer the libels of those who traduced him. For years he had been hounded "as a railroad attorney and as one

ready to respond to demands of corporate influence", yet he could truthfully say that he had helped to prepare, advocated, and voted for "every shred of legislation" on the subject of railroad control except the inconsequential amendments of the Interstate Commerce Act adopted in 1889 when he was not in Congress.[364]

On the morning of February 11th the members of the Committee on Interstate and Foreign Commerce presented to Chairman Hepburn a splendid silver loving cup as a "slight token of their heartfelt esteem." Speaker Joseph G. Cannon dignified the occasion by his presence, while Republicans and Democrats alike praised the "statesmanship and tact" of their "honored chairman" without reservation. It was Robert C. Davey who addressed these words to Colonel Hepburn: "we admire you for your strict integrity and we honor you for your manhood; and in reply to some of the charges we have seen published, this presentation is our answer." "This testimonial", said Hepburn as he accepted the gift of his colleagues, "coming to me at this moment, it seems to me as an answer, from the men who know me best, and who have been the closest observers of that which I have been striving to do, and that which we all regard as being for the public interest, is gratifying beyond conception."[365]

Meanwhile, disgruntled farmers in the eighth Iowa district, who, it was alleged, allowed the editor of *Wallaces' Farmer* to think for them, were becoming more persistent in their criticism of Colonel Hepburn. Many years before, while engaged in the military service of the country, he had written: "To persons of sensitive temperament a sense of abuse is more galling than any other feeling, and we can more easily forget any other offense against us, than that our motives have been misconstrued, and our best intentions cherished to our prejudice." So now when a letter came describing the critical situation at home and announcing that Henry Wallace would address a farmers' institute at Corning on February 23, 1905, Hepburn immediately telegraphed to Wallace that he would be there also. At the appointed time and place there was staged "one of the most sensational incidents" in the political history of Iowa as well as the most dramatic episode in Hepburn's career.[366]

The opera house in Corning was filled with a thousand voters when Henry Wallace was introduced as the leading advocate of railroad rate reform. It was in May, 1904, at a meeting of live-stock men in Denver, he said, that he had first heard of the opposition of the chairman of the House Committee on Interstate and Foreign Commerce to railroad regulation. Not

willing to believe that rumor he had made a personal investigation and had found evidence in committee hearings which satisfied him that Hepburn regarded railroads as private property contrary to the grange decisions of the Supreme Court. Some correspondence had ensued between himself and the Colonel which seemed to be convincing proof of Hepburn's friendship for the railroads. These letters Mr. Wallace read to the farmers in Corning, and after recounting the grievances of the people against the trusts and the railroads he exclaimed amid vociferous applause, "We want just what the president wants."[367]

"It is a great pleasure to me to be able to be here to-day", said Colonel Hepburn a few minutes later, because he knew that "prominent among those" who had attempted to prejudice the farmers against their representatives in Congress was the gentleman who had just spoken. "I have been charged," he continued, "with abandonment of your interests and pursuing the interests of other men whose interests were at war with yours . . . . and I want to remind my brother Wallace that 19 years ago he was making the same charges against me." The Colonel then related the long and honorable record of his participation in the enactment of legislation to control the railroads. He admitted that he had refrained from declar-

ing his purpose in advance of important hearings the previous summer. "What would you think of a man", he asked, "charged with a duty to hear and then to determine, who would announce beforehand, before he had heard, before witnesses had testified, as to what his judgment was?"

The most difficult feature of the rate question, Hepburn explained, was to find some means of expediting litigation. "Some gentlemen say, why don't you make this rate [fixed by the Interstate Commerce Commission] go into effect and keep it in effect beyond the reach of the courts. You cannot do it . . . . The constitution provides that all men shall have the equal protection of the laws; that property shall not be taken for public uses without compensation; that all men shall be secure in their property. The courts have their powers and their rights fixed by the constitution, among them the power to issue an injunction when any citizen complains that he is about to suffer irremediable wrong." With those legal difficulties in mind and with the endorsement of many prominent men, Hepburn had framed his bill providing for a Court of Commerce, yet he had heard that it did not "meet the approval of the governor" of Iowa.

Reluctantly he told how he had prepared his bill, how he had conferred frequently with the

President and Cabinet members, how the Attorney General had couched the measure in legal phraseology, how the compromise had been negotiated in the committee, and finally how he himself had forced the Esch-Townsend bill through the House of Representatives. It was not pleasant, he said, to speak as he had done "because of the seeming egotism", but he wanted to read a letter from Attorney General William H. Moody. This letter verified in every particular the account of the passage of the rate bill as Hepburn had just related, and closed with the statement: "At all times I take pleasure in saying, you have exhibited an earnest desire to deal with this important subject in a way which would conform with the letter and the spirit of the president's recommendation."

Moreover, the Attorney General had submitted the letter to President Roosevelt who added his own endorsement. "I cordially concur in the above", the President wrote. "Col. Hepburn — like senators Allison and Dolliver — has aided in every possible way in this rate bill; and when it seemed possible to expedite by dropping his own measure, and pushing the Townsend-Esch measure, which achieved substantially the same result, he at once followed this course. We have all been after the same result; and I am very certain we will in the end

achieve it, from the very fact that we are striving in the spirit Col. Hepburn has shown in this affair, a spirit which is concerned with getting the substance and which is therefore entirely willing to make concessions on unimportant differences of detail."

The effect of such confirmation of the Colonel's good faith was electrical. "Read it again!" yelled a farmer after the applause had subsided. Hepburn read the letters again and once more the audience cheered. Immediately the vindication of "Pete" Hepburn became the most absorbing topic of discussion. Everywhere it was conceded that he had confounded his critics. Those who had been made suspicious by misrepresentations were compelled to admit that "the aspersions upon his character in connection with the railroad rate legislation" were "base and unfounded calumnies". In spite of the bitter denunciations exchanged by Hepburn and Wallace the two men ate dinner together. It was characteristic of the Colonel that he should speak invectively without the slightest malice.[368]

During the summer of 1905 the congestion of railroads, the insurance investigation in New York, the Pennsylvania coal car scandal, the Atchison rebate disclosures, and the exposure of the outrageous publicity campaign methods of the railroads brought public opinion to the

boiling point on the transportation question. In Iowa the leaders of the so-called progressive faction of the Republican party, who delighted to call their policies Rooseveltian, stirred up no end of discontent. Hepburn advised the farmers to "unhorse Governor Cummins and Henry Wallace, and other political gentry" and devote their efforts to aiding in the enforcement of the law. Zealous speeches he said would not diminish the evils from which society suffered; but if the agitators would take the trouble to lay a specific case before the Federal authorities much good might be accomplished.[369]

Railroad rate legislation, declared President Roosevelt in his annual message to Congress on December 5, 1905, was the most urgent problem then confronting the national legislators. In his judgment it was imperative that Federal legislation should be enacted which would confer upon an "unequivocally administrative" body the power to decide upon reasonable maximum rates in particular cases of complaint, those rates to go into effect within a reasonable time and remain in force subject to review by the courts. The illegality of discriminating concessions such as free passes, reduced passenger rates, or fictitious damages should be explicitly reasserted; but rate agreements between railroads, if in the interest of the public, ought to be permitted. He recommended that

private-car lines, industrial roads, and refrigeration charges should be brought within the jurisdiction of the Interstate Commerce Commission, or a similar body, and suggested that publicity of accounts should be required of all common carriers.[370]

When Congress convened on January 4, 1906, after the holiday recess, William P. Hepburn introduced a rate bill which was acknowledged to be framed in accordance with the President's program.[371] The measure was in the form of amendments to the Interstate Commerce Act of 1887. Transportation was redefined to include private-car lines and terminal services. All "unjust and unreasonable" transportation charges were declared to be unlawful, and discrimination "under substantially similar circumstances" was prohibited in the identical terms of the original act. "Midnight tariffs" were abolished by a provision that no schedule could be changed without thirty days' notice. The Interstate Commerce Commission was given power to establish "just and reasonable and fairly remunerative" maximum rates, which were to take effect thirty days after notice and remain in force until suspended or modified by the Commission or a court of competent jurisdiction. The Commission was also empowered to decide reasonable charges for private cars, and to determine the division of

rates on through routes if the carriers could not agree. For violating the orders of the Commission, which were to be enforced in the Circuit Courts, the penalty was a fine of five thousand dollars. To hasten litigation the Expediting Act of 1903 was made applicable to rate cases before the Circuit Courts, and appeals lay directly to the Supreme Court but did not vacate or suspend the order from which the appeal was taken. Furthermore, the Commission was given authority to require reports from all common carriers and prescribe the method of accounting, the records to be accessible to the Commission at all times. The number of Interstate Commerce Commissioners was increased to nine, their tenure of office extended to nine years, and their annual salary fixed at ten thousand dollars.[372]

Although seventeen railroad rate bills had been introduced in the House of Representatives it was generally conceded that the Hepburn bill would be the basis for the measure eventually reported by the Committee on Interstate and Foreign Commerce. It was no surprise, therefore, when on January 10th the Republican members of the Committee agreed to support the Hepburn bill with a few changes, most of which were suggested by Representative Townsend and related to judicial procedure. That the discussion in the Committee

might be based upon a measure which would command the approval of the majority, Chairman Hepburn introduced a new bill on the following day with the caucus amendments incorporated. After the caucus bill had been debated in detail and altered in several particulars Hepburn introduced a third bill which included the amendments proposed in the Committee. It was this bill, perhaps "the most important piece of economic legislation" that had been attempted in many years, which Colonel Hepburn had the notable honor to report to the House on January 27th with the recommendation of "every member of the committee".[373]

The Hepburn rate bill in its final form did not differ materially from the first draft. The language was more specific in several places, the definition of railroads was broadened, an amendment proposed by the Interstate Commerce Commission was inserted, the number of Commissioners was reduced from nine to seven with a term of seven years, and railroad rate litigation was given priority in the Supreme Court over all except criminal cases.[374]

Although consideration of the bill on the floor of the House revealed some differences of opinion on particular phases of rate regulation no serious opposition developed. In truth the sentiment was so overwhelmingly favorable and the bursts of oratory so frequent and elo-

quent that the New York *World* was moved to comment sarcastically: "The Hepburn bill is more than legislation; it is a prose-poem. It mounts to the Senate on wings of song."[375]

Nevertheless it became apparent from the debate in the House that several provisions of the bill were somewhat ambiguous. Indeed, the New York *World,* which favored radical rate legislation, called the whole measure "a half-baked hodge-podge of uncertain phrases". Representative Townsend, who opened the debate, was sure that express companies would be under the surveillance of the Interstate Commerce Commission, but the author of the bill, who closed the debate, was equally certain that they would not. An amendment to specifically include express companies resulted in a tie vote and the proposition was defeated on a division with tellers. Similar amendments to define telephone, telegraph, and sleeping-car companies as common carriers were decisively rejected. A proposal to establish uniform freight classifications was summarily voted down; while an amendment to abolish free passes was defeated by a vote of one hundred and eleven to one hundred and forty-seven. Efforts were made to modify the section relating to judicial review, to clothe the Commission with authority to regulate differential rates between competing places and commodities, and to initiate investi-

gations of rates upon its own motion — all without avail. On February 8, 1906, the Hepburn rate bill passed the House unamended with only seven dissenting votes.[376]

In the Senate the proposed law was destined to encounter powerful opposition. Eight members of the Committee on Interstate Commerce, including all five Democrats, Jonathan P. Dolliver, Shelby M. Cullom, and Moses E. Clapp, favored the policy of regulation embodied in the Hepburn bill, but the chairman of the Committee, Stephen B. Elkins, together with Nelson W. Aldrich and Joseph B. Foraker, constituted a formidable ultra-conservative trio who were determined to defeat the measure. All attempts to destroy the effectiveness of the bill by amendments in the Committee were successfully thwarted, but the lack of harmony among the proponents of rate legislation precluded the possibility of putting the measure into acceptable form in the Committee according to custom. Consequently the conservatives, probably for the purpose of discrediting and eventually defeating the bill, cleverly accomplished the anomaly of reporting this administration measure unaltered to run the gauntlet of unlimited Senatorial debate under the sponsorship of Benjamin R. Tillman, a member of the minority party and a bitter adversary of President Roosevelt. This unprecedented action, how-

ever, served to emphasize the nonpartisan character of rate legislation and resulted in one of the most brilliant and able debates ever heard in the United States Senate.[377]

The definition of common carriers, differential rates, and free passes were all but neglected by the Senators in their anxiety to determine the precise scope of judicial review of the decisions of the Interstate Commerce Commission. It was admitted that rate-making power might be granted to an administrative body, but it was equally obvious that an absolute denial of the right of judicial review would be unconstitutional. To confer broad powers of review upon the courts, however, might frustrate the rate-making function of the Commission. The simplest plan would have been to leave the bill as Hepburn framed it, without prescribing the exact jurisdiction of the courts and relying upon the constitutional guarantee of the protection of property by due process of law to safeguard the right of judicial review. There were some Senators, however, who insisted that judicial review should be specifically limited; while others, influenced perhaps by one of the most powerful lobbies ever maintained in the national capital, demanded that the courts should be unrestricted in their power to review the rate-making acts of the Interstate Commerce Commission.[378]

During March and April the Senate chamber resounded with profound legal arguments on the subject of government rate-making. The debate was opened on February 28th by Senator Foraker who delivered the principal speech in opposition. He declared that the Hepburn bill was "so contrary to the spirit of our institutions and of such drastic and revolutionary character" that the consequences would be "most unusual and far-reaching." The existing law, properly amended and enforced, he contended, would remedy the evils of excessive rates, rebates, and discriminations. The "general supervision by a political board, appointed by the President, of a business so tremendous as to be practically incomprehensible, and so complicated and difficult in its character as to be almost beyond the power of human intellect to master it, with authority to change rates with the stroke of a pen" and to act as "legislator, prosecutor, judge, jury, and marshal, all combined", he exclaimed, "would be alarming if its utter unconstitutionality were not as apparent as its unreasonableness."[379]

On the following day, when the floor and galleries of the Senate chamber were crowded to overflowing, Senator Dolliver held the attention of his auditors for more than two hours in an equally able and brilliant defense of the Hepburn bill. Between his unqualified approval of

the measure and the avowed hostility of Senator Foraker there were many shades of opinion. A multitude of amendments were introduced representing the numerous diverse views on all phases of the rate problem, but it remained for Senator Allison to formulate an acceptable compromise on the question of judicial review. Finally, on the eighteenth of May, the Hepburn rate bill, amended in more than fifty particulars, passed the Senate by a vote of seventy-one to three.[380]

While the Allison amendment affirmatively empowered the circuit courts to "enjoin, set aside, annul, or suspend any order" of the Commission, it did not specify the grounds on which such a decision could be based. The conservatives interpreted the clause to confer unlimited powers of judicial review, thereby materially circumscribing the powers of the Commission; while President Roosevelt, who advocated liberal rate-fixing authority for the Commission, declared that the amendment "did not, as a matter of fact, work any change in the bill at all." Consequently the question of judicial review was left "in the fogbank where Hepburn" placed it, capable of any convenient interpretation until the courts should establish a precedent.[381]

Although most of the Senate amendments were only technical changes, some of them were

of tremendous importance. In addition to the court review amendment, common carriers were defined to include pipe lines, sleeping-car companies, and express companies. Free passenger transportation (with many exceptions) was prohibited. A "Jim Crow" amendment was designed to secure equal service for equal fare. Railroads could be compelled to install switches for shippers. Common carriers were forbidden to transport their own commodities except timber and timber products. The words "fairly remunerative" and "in its judgment" as applied to rates fixed by the Interstate Commerce Commission were stricken out — amendments of vital importance to the determination of what constituted "just and reasonable" rates. Discrimination and rebating were made criminal offenses punishable by imprisonment. Orders of the Commission were to take effect within a reasonable stated time (not less than thirty days) and remain operative not longer than two years. No injunctions restraining the orders of the Commission could be granted without five days' notice to the Commission, and appeals from such orders lay directly to the Supreme Court. The Senate also struck out the section increasing the size and salary of the Interstate Commerce Commission.[382]

On May 25th the House of Representatives disagreed to the Senate amendments and W. P.

Hepburn, J. S. Sherman, and William Richardson were appointed to confer with Senators Tillman, Elkins, and Cullom in an effort to reach an agreement. As a result nearly all of the Senate amendments were accepted by the House conferees, but not without some important modifications. The conference committee recommended that sleeping-car companies should not be deemed common carriers, that free passenger transportation should be prohibited absolutely, that common carriers should not be permitted to transport any of their own products, that the provision for compulsory installation of switches should be broadened to accommodate lateral and branch railroads as well as shippers, that the Senate should recede from the "Jim Crow" amendment, and that the original provision for increasing the size and salary of the Interstate Commerce Commission should be restored.[383]

This report caused a storm of protest in the Senate. The members of the conference committee were charged with having exceeded their authority by inserting new legislation into the bill. The "Jim Crow" amendment was defended, and absolute prohibition of free passenger transportation was emphatically condemned. Indeed, the proposed anti-pass clause raised a veritable tempest throughout the country. Congressmen were deluged with telegrams

and letters pleading for a less stringent provision. An "army of railway employees" appealed to President Roosevelt in the name of "common justice" to defeat this most "obnoxious piece of legislation ever proposed by Congress". On June 7th the Senate rejected the report of the committee of conference, insisted upon its amendments, and requested a further conference with the House of Representatives.[384]

In the second conference the principal points of disagreement were on free passes and the commodity clause. The House conferees agreed that sleeping-car companies should be included as common carriers but that only railroads should be forbidden to transport their own products except timber, thus permitting oil companies to own their own pipe lines. The anti-pass provision was restated to prohibit free transportation only to national, State, and local officials, except those in the postal service. On all other Senate amendments the decision reached in the first conference was practically retained.[385]

Although the second conference report was "railroaded" through the House with almost no debate, serious objection to the revised anti-pass and commodity clauses was encountered in the Senate, and on June 26th the bill was again returned to conference. The anti-pass

clause was redrafted along the lines of the original Senate amendment, broadly prohibiting free interstate passenger transportation and enumerating all classes of people who would be entitled to free transportation. The words "railroad company" (the legal entity) were substituted for "railroad" in the commodity clause. This report was adopted by both branches of Congress and on June 29, 1906, the bill was approved by President Roosevelt.[386]

The passage of the Hepburn rate bill was hailed as an event of no little importance in American history. By some economists it was regarded as the greatest achievement in the public career of President Roosevelt. In the face of determined opposition the President and his supporters in Congress secured a far more radical measure than they had any reason to expect. To Colonel Hepburn must be ascribed the credit for framing the bill, for sending it to the Senate with all but unanimous endorsement by the House, and for securing in conference the best of the Senate amendments. His whole record on railroad regulation is characterized by honesty, sincerity, and fair dealing with all interests.[387]

XXVII

Pure Food

Almost simultaneously with the enactment of the railroad rate bill another scarcely less important measure, of which William P. Hepburn was joint author and chief advocate, became a law. The shocking revelation of unsanitary conditions in meat packing houses and the nefarious practices of other food manufacturers caused such a popular revulsion during the spring of 1906 that the long struggle for national pure food legislation suddenly terminated on June 30th when President Roosevelt signed the Pure Food and Drug Act.

The history of national pure food legislation is replete with the name of William P. Hepburn. As early as 1886 he had espoused the cause of pure food by favoring the branding and taxation of oleomargarine.[388] From that time until 1906 propositions to prevent misbranding or the fraudulent and deleterious adulteration of food were almost constantly before Congress. Four bills of that character were introduced by Colonel Hepburn. Moreover, as chairman of the Committee on Inter-

state and Foreign Commerce, he exerted a powerful influence toward eradicating the evils of food adulteration by conducting extensive hearings and promoting the adoption of various pure food measures that seemed to possess merit.[389]

In the first session of the Fifty-sixth Congress the House Committee on Interstate and Foreign Commerce reported favorably on two pure food measures. One was designed to restrict the adulteration of food and the other was to prevent false branding of food and dairy products as to the State in which they were produced. Neither bill received any further consideration in that Congress. During the first session of the Fifty-seventh Congress, however, James S. Sherman again introduced his bill to prevent misbranding as to locality, and it became a law on July 1, 1902. Colonel Hepburn acted as chairman of the House committee of conference upon the Senate amendments to this bill.[390]

During the first session of the Fifty-seventh Congress a bill was introduced by Colonel Hepburn to prevent the "adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments" by regulating the interstate traffic therein, and the Committee on Interstate and Foreign Commerce reported it favorably on April 2, 1902, pronouncing the

measure to be neither "drastic nor unreasonable". The object was not to prohibit the manufacture or sale of harmlessly adulterated food or drugs but to provide that all adulterated food and drugs should be placed on the market "under their true names and in such manner as to advise the purchaser" of what he was buying. The bill proposed to organize a Bureau of Chemistry in the Department of Agriculture for the purpose of analyzing food offered for sale in a State other than the one in which it was produced; the terms "drugs", "foods", "misbranded", and "adulteration" were defined; a penalty was prescribed for the shipment of any adulterated or misbranded food or drug in interstate or foreign commerce; and prosecution was to be initiated by the Secretary of Agriculture through the United States district courts.[391]

Early in the second session of the Fifty-seventh Congress the pure food bill was made a special order. In closing the debate Colonel Hepburn disclaimed the authorship of the measure, saying that it had been prepared by a committee appointed by the National Pure Food and Drug Congress. He was satisfied that the bill was not perfect — it was not as drastic as he would have drawn it — but he believed it was the best legislation that could be obtained. The establishment of proper stand-

ards by the national government, he thought, would not only prevent harmful adulteration and the fraudulent sale of a cheap, impure article at the price of a perfect article, but it would set a standard of uniformity to be followed by the States.[392]

The bill passed the House on December 19, 1902, and on the eighth of January, 1903, the Senate Committee on Manufactures reported a substitute which was substantially the same, with the sections providing for the organization of a Bureau of Chemistry and the establishment of food standards by the Department of Agriculture eliminated. Although the pure food bill was first on the Senate calendar for nearly a year and commanded more public interest than any other pending legislation, it was impossible, despite desperate efforts, to obtain further hearing on the subject. On the day before the final adjournment of the Fifty-seventh Congress the Senate refused by a vote of twenty-eight to thirty-two to consider the proposed legislation.[393]

Hepburn re-introduced his pure food bill in November, 1903, during the special session of Congress, but it was not reported to the House. On December 8, 1903, he again introduced a pure food bill which was reported on January 18, 1904, and on the following day he obtained immediate consideration of the bill. William

C. Adamson, who led the opposition, objected to national pure food legislation because he thought it was paternalistic and "utterly unnecessary". Other Congressmen, like Champ Clark, favored pure food legislation, but they believed that the Hepburn bill was too drastic. One of the chief criticisms was that honest dealers might be punished for unintentionally violating the law. To this Hepburn replied that it was the best pure food bill ever presented to Congress and he would do all in his power to pass a law which would punish those who were "preying upon the health and the lives of the people of the United States." He was unable, however, to prevent the Committee of the Whole from adopting an amendment to limit prosecution to "willful" violators, which would have practically prevented convictions and made the law inoperative. After the Committee of the Whole had recommended that the House pass the bill as amended Hepburn proposed that the provisions in the original bill be restored, and the "willful" amendment was eliminated on a yea and nay vote of one hundred and forty-five to one hundred and twenty-six. Immediately afterward the bill passed the House by a vote of two hundred and one to sixty-eight.[394]

In the Senate the McCumber pure food bill, embodying essentially the same provisions ex-

cept the creation of a new Bureau of Chemistry and Foods and the establishment of definite standards, being already on the calendar, was substituted for the Hepburn bill. There was objection to the consideration of pure food legislation on the floor of the Senate, however, and the session ended without further action.

All through the final session of the Fifty-eighth Congress during the winter of 1905 Senator Weldon B. Heyburn resorted to every method of bringing the issue to a conclusion, but the Senatorial custom of considering nothing without unanimous consent was always enforced. An attempt to load the pure food measure onto the sundry civil bill was promptly frustrated. Whenever discussion of the bill was permitted for a few minutes there were continual interruptions to interpose other pending legislation. Senators Platt, Aldrich, and Spooner, who feared that some corner groceryman might be punished for unknowingly selling deleterious food, invariably obstructed any bona fide debate, and during the last hours of the session, when an attempt was made to obtain some kind of a vote on a "willful" amendment, they effectually intervened.[395]

Undismayed by the obstacles pure food legislation had encountered in the Senate for many years, Colonel Hepburn and Senator Heyburn both introduced pure food bills at the begin-

ning of the Fifty-ninth Congress. After an extended debate the Heyburn bill passed the Senate on February 21, 1906, by a vote of sixty-three to four. Two weeks later the House Committee on Interstate and Foreign Commerce recommended that the Hepburn bill, with some modifications, be substituted for the Senate bill. Toward the end of March unanimous consent was obtained by Colonel Hepburn to make the pure food bill a continuing special order for April 10th. At the appointed time, however, an appropriation bill was under consideration and the pure food bill was not called up. On May 7th, therefore, Hepburn offered a resolution to restore the privileged character of the measure and the motion was adopted by a large majority. Other bills of higher privilege intervened, however, and as days and even weeks passed while nothing more was heard of the pure food bill friends of the measure became anxious. Newspaper stories began to circulate that Colonel Hepburn and other leaders in the House were really opposed to pure food legislation and would prevent the passage of the bill. As a matter of fact on May 17th Hepburn himself attempted to have the pure food bill taken up, but the House decided in favor of the naturalization bill. Yet some of the criticism came from men who had swelled the majority on that vote. Finally, on June

20th the Committee on Rules was induced to report a resolution that the pure food bill should be considered and put upon its passage after twelve hours of debate.[396] Accordingly on the following day Colonel Hepburn yielded the floor to James R. Mann for an explanation of the pending legislation. The Hepburn bill as substituted for the Heyburn bill which passed the Senate made the shipment, receipt, or sale of misbranded or adulterated food or drugs in interstate or foreign commerce a misdemeanor punishable by fine, or imprisonment for a second offense if knowingly committed. Both bills provided that regulations for administering the law should be formulated by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor. Foods, drugs, misbranding, and adulteration were defined in the light of years of debate, and some important additions were made to the corresponding sections of the Senate bill. Furthermore, the Hepburn bill authorized the Secretary of Agriculture to fix standards of food products.[397]

By means of exhibits, demonstrations, and detailed explanations of the origin of various provisions Mr. Mann convinced almost all of the Representatives that they should support the pure food bill. A few members, however, the chief of whom was William C. Adamson,

remained obdurate to the end. Colonel Hepburn, said Adamson, had inherited the "pure foolishness" bill from Marriott Brosius. He contended that the measure was "sumptuary legislation for the regulation of the table menu" and although some of the tales of adulteration had spoiled his appetite he still insisted that he had not heard of a solitary case that State authorities could not have punished. The proposed legislation was not only unconstitutional but vicious.[398]

The amended Hepburn bill passed the House on June 23rd by a vote of two hundred and forty-one to seventeen. Two days later the Senate refused to accept the House amendments and conference committees were appointed with Hepburn chairman of the House conferees. The committee of conference reported a compromise measure which, though a combination of both Senate and House bills, was based primarily on the Hepburn bill. The principal concession by the House was that the Secretary of Agriculture should not fix food standards, while the Senate agreed to a stringent clause regulating the labeling of habit-forming drugs. The bill finally passed both branches of Congress on June 29th and was approved by President Roosevelt on the following day.[399]

"I would think that I was somewhat dere-

liet in my duty", confessed James R. Mann just before the final passage of the Pure Food and Drug Act, "if I did not say a word or two in regard to the services of the man in this House who is principally entitled to the credit for the enactment of a pure-food law at all. The chairman of the Committee on Interstate and Foreign Commerce — and these words will come as a surprise and embarrassment to him — the gentleman from Iowa, Colonel Hepburn, for eight years and more has been a determined, constant, steady advocate of pure-food legislation. Three times at least the House, under his lead, has passed a pure-food bill. And when it shall become enacted into law, as I believe this shortly will be when this conference report is agreed upon, to him the most credit for the law will be due."[400]

Within a fortnight after the epoch-making first session of the Fifty-ninth Congress had adjourned, Colonel Hepburn returned to his comfortable home in Clarinda to spend the summer. The news of the distinguished Congressman's coming preceded him, and as the train passed through the eighth district scores of constituents, mindful of his services, gathered at the stations along the way to express their appreciation of his work. At Creston the local militia company had assembled "in full dress including white gloves". The band was play-

ing when the train arrived in Clarinda, and a procession nearly three blocks long was formed to escort the honored citizen to his residence. As the Colonel rode along the streets and passed the public square he must have recalled a similar reception nearly twenty-six years before when he returned from Council Bluffs, triumphantly nominated for Congress the first time in his life.[401]

In the evening occurred one of the "most notable events in the history of Page county". Crowds of enthusiastic citizens gathered in Clarinda from the surrounding towns and country until nearly four thousand had assembled on the spacious lawn in front of the Hepburn residence. On the brilliantly lighted veranda sat the Colonel and Mrs. Hepburn with a number of intimate friends. Dr. Max E. Witte, the Superintendent of the Clarinda State Hospital, opened the formal speech-making with a few well chosen remarks in praise of the splendid services of Congressman Hepburn, especially in connection with the enactment of the pure food law.

A number of addresses followed in which the Colonel and Mrs. Hepburn were welcomed again and again and their character and achievements extolled. "Clarinda is the home of Col. Hepburn, and that is its greatest distinction", said J. N. Maclean in the principal

oration of the evening. "Here he puts off his armor and his silk hat, and spends his intersessional days among his friends and neighbors as he was wont in the happy halcyon days before he became famous." The Colonel was assured that the people of Clarinda, "irrespective of all political differences," were absolutely sincere in hailing him at the close of his "greatest congressional year" as "one of the nation's really mighty leaders."

In a voice husky with emotion Colonel Hepburn thanked his friends for their kindness, counting it a rare privilege to receive such an ovation. Having finished the personal part of his response, he talked of public policies, warning the people in ringing tones against being misled by the unprincipled individuals with muck-rakes who were abroad in the land busily engaged in assaulting the integrity of men in public service. Mrs. Hepburn also replied wittily to the many compliments paid her; and the reception ended with general informal handshaking.

XXVIII

The Progressive Movement

If there were any lingering doubts in the minds of the voters in the eighth district as to the ability and unquestioned leadership of Congressman Hepburn such misgivings must have been dispelled by his work in the first session of the Fifty-ninth Congress — a session which President Roosevelt declared would be memorable for its constructive legislation. Four of the five most important measures enacted during this session were reported by the Committee on Interstate and Foreign Commerce, and of three of these Hepburn was the author.

But the importance of the position that the Colonel occupied in the House of Representatives can not be measured alone by the number and character of the bills he introduced or by his chairmanship of the Committee on Interstate and Foreign Commerce. From 1903 to 1909, as chairman of the Republican caucus, he was a leader of the dominant party;[402] and in that capacity he was instrumental in controlling the type of legislation enacted by the House of Representatives during the major

portion of Roosevelt's "strenuous" administration.[403]

Universal respect for Hepburn's statesmanship, however, did not secure party loyalty. The radical faction of the Republican party under the leadership of Albert B. Cummins was constantly gaining new recruits — many of them attracted by the program for tariff revision, railroad regulation, and the exclusion of corporation influence from politics by means of direct primary elections. Reformers were especially numerous in the "Reservation"— a strip of counties in southern Iowa, including particularly the Eighth Congressional District, the political destiny of which was dominated by the Burlington railroad for which J. W. Blythe was general solicitor and political manager.[404]

Before Colonel Hepburn began to serve the term in Congress for which he was elected in 1904 there was talk of smashing the "Reservation" machine and preventing his nomination in 1906. The Colonel's reply to Henry Wallace at Corning in February, 1905, quieted the revolt for the time being, but in the following autumn evidence of discontent was again manifest. On October 7th, A. I. Smith of Mount Ayr announced his candidacy for a seat in Congress, and a month later a petition was circulated praying Speaker Cannon not to appoint Hepburn chairman of the Committee on Inter-

state and Foreign Commerce. J. W. Blythe was informed that although trouble was brewing the "overwhelming sentiment of the acting, working, 'reservation' Republicans" was in favor of Colonel Hepburn and that the Cummins forces were not dangerous.[405]

Early in December the Progressives began to organize under the leadership of Dan W. Turner who had previously expressed to Hepburn his dissatisfaction with the political situation and announced his sympathy for the reform element of the party. "Do you suppose", replied the Colonel, "that the gentlemen in your town and county and in Taylor county that did the most to make you Senator would have given you their influence if they had known that when you got into power and your own influence was reinforced by the influence of the Senatorial office that all would be exerted against them in their party contentions?" The proper course, according to Hepburn, would be to remain in the party and endeavor to guide reform from within. "If you find anything wrong in the polity of the party, oppose it. If you find anything like bossism or chicane in the party, denounce it".[406]

For himself Hepburn could say he had never had any experience with a party machine, nor would he submit to the dictations of any party boss. He confessed to having "a very high re-

gard'' for Mr. Blythe, but he had not ''hesitated on many occasions to differ from him both as to candidates and policies.'' That there was ''undoubtedly an organization recognized by the republican party'' which supervised the ''general conduct of party affairs'', he admitted. He recognized that there had been in Iowa ''at different times men whose prominence and the preference of many friends gave the status of acknowledged leadership'', but he had never known of machine or boss dictation.

The bitter, personal campaign between George D. Perkins and Albert B. Cummins for the Republican gubernatorial nomination in 1906 accentuated the cleavage between Progressives and Standpatters. Although Perkins insisted that he could stand on the Cummins platform, he was supported almost entirely by the conservative element of the party. Indeed, he did not announce his candidacy until J. W. Blythe, after consulting Colonel Hepburn and others, had promised that ''the southern part of the State would be willing to take up his cause'' if he could carry the eleventh and part of the tenth Congressional districts. There is no doubt that Colonel Hepburn would have preferred the nomination of Mr. Perkins because he felt that Cummins was a demagogue bent upon the disruption of the Republican party. If the Governor was sincerely Roose-

veltian the Colonel believed he would not be trying to defeat the men who were actually accomplishing progressive measures with Roosevelt's endorsement. Moreover, Hepburn was convinced that Cummins was using his popular reform program and political position for self-advancement.[407]

During the campaign of 1906 Colonel Hepburn depended very largely upon J. W. Blythe to interpret the political situation in Iowa.[408] Conditions in the eighth district seemed to be altogether favorable for the Colonel until Governor Cummins invaded the "Reservation" about the first of April to make a series of speeches and to support the candidacy of A. I. Smith for Congress. Almost in the same breath he praised the policies of the President and insinuated that Hepburn had "not fairly regarded the interests of his constituents". Yet at that very moment President Roosevelt was depending upon no one more than Colonel Hepburn to enact the popular legislation that made the Fifty-ninth Congress memorable. Later the Governor apparently concluded that many of his own friends were also friendly to the Colonel, for his attitude seems to have changed. Hepburn opposed the nomination of Governor Cummins for a third term until the State convention decided in favor of such nomination on August 1st: from that time until election he

urged Republicans to vote a straight ticket including Cummins for Governor.[409]

The movement to displace Colonel Hepburn which seemed serious at the beginning of the year was completely frustrated by his remarkable achievements in Congress. The candidacy of A. I. Smith had not proven to be dangerous except as a nucleus for the organization of Cummins men. In the primaries on April 26th Smith failed to carry even his own county, and from that time the renomination of Colonel Hepburn by the Republican Congressional convention in Creston on June 5th was a foregone conclusion. Without much hope of success the Democrats nominated J. S. Estes.[410]

The lack of harmony among Republicans made the election somewhat uncertain. Alliances between Democrats and progressive Republicans in the eighth district resulted in Hepburn's name being scratched extensively — a practice greatly facilitated by the removal of the party circle from the ballot. Some Progressives believed the rumor that the Standpatters had orders from "Reservation" headquarters to scratch Cummins and retaliated by scratching Hepburn. It is probable also that many standpat Republicans were too disinterested to go to the polls owing to the progressive personnel of the State ticket. Out of this confusion of motives Hepburn was elected by a

majority of twenty-two hundred and twenty-five votes — a margin smaller by more than eight thousand than in 1904, though the total vote was also less.[411]

J. H. Tedford, who was "sore" and "deeply humiliated" by the political status in Iowa thought Hepburn's majority was "something wonderful considering all things." Another friend declared it had been the "blamest campaign" he had ever seen: "you can't find out anything for sure. One day we think things are all right, and the next day we are plunged into uncertainty." J. L. Waite had been inclined to "go out behind the barn and swear in several languages." To J. W. Blythe the election of Cummins was not a disappointment but "a subject of disgust". "A few more forced nominations and we will have no party organization left. A few more reform measures, such as taking the circle from the top of the ballot, state wide primaries, and branding every man as a corporate tool who does not heed advices from Des Moines, and the party machinery will be gone and much of the party vote", wrote Smith McPherson. A prominent editor confessed bitterly that the Standpatters were "beaten almost to a finish" in Iowa, and while he would "stand by national republicanism", State politics he proposed to "follow afar off" walking softly.[412]

To Hepburn who had witnessed the progress and, indeed, participated in the achievements of the Republican party from its very inception, the conduct of the campaign of 1906 which broke down party lines and discredited the work of the party in the past seemed to approximate sacrilege. "Ah, gentlemen," he exclaimed in the House of Representatives, "there are those who attempt to deride us and belittle us by applying as opprobrious the term 'stand-patter;' and some have said that the only 'stand-patter' is that one that is dead. Not so . . . . Progressive! Oh, yes; we are. We could progress from the old teachings of the old masters to that height of patriotism and love of liberty that declared slaves should not exist. We could progress from our love of peace to entering into the greatest war that the nations have known in order to preserve the Union. We could make sacrifices of the gravest character in order to restore the States. We could build up the broken fortunes of the Republic by restoring its credit. We could progress from the penury of the old days to the splendid conditions of currency and of credit of to-day. We could go forward from this, being a borrowing nation, a purchasing nation, a dependent nation, to one where we stood at the apex, capable of loaning to the world, capable of manufacturing for the world, capable of

meeting the commerce of the world, capable of feeding and of clothing the nations. Ah, the Republican party is a progressive party, but it never progresses beyond the limitation of its principles."[413]

Colonel Hepburn clashed with the so-called Progressives less because they advocated tariff revision and the control of big business than because they disrupted the party that had governed the nation successfully for half a century. Innovations, like primary elections, that threatened the established system of party machinery he regarded as dangerous experiments.[414]

Before the end of January, 1908, the political managers of the eighth district had begun to plan the campaign of that year. It was decided that the contest should be conducted "squarely upon the tariff issue" rather than a "discussion of petty personalities". Although A. I. Smith was still ambitious to displace Colonel Hepburn he was not considered particularly dangerous, despite the fact that the operation of the new direct primary election law made any diagnosis of the situation precarious. The hardest fight in the eighth district, it was thought, would center around the general election in November. It was predicted that William D. Jamieson of Shenandoah, who was regarded as the most likely Democratic candi-

date, would "make a handshaking campaign" and would appeal "in a special way to the young men and to the Progressives."[415]

Throughout the winter and spring the factional strife in the Republican party, accentuated by the candidacy of Governor Cummins for Senator Allison's seat in Congress, was at flood tide. Both progressive and conservative Republicans realized that the Senatorial campaign, which had been predicted from the time that Cummins was elected Governor in 1901, would be a battle royal. The Standpatters, who were still suffering from the disintegrating effects of the defeat of 1906, began to organize early, while the Cummins machine made desperate efforts to retain the prestige and personnel that had been won. The political situation in the eighth district seemed placid on the surface, but party workers admitted that there was a strong progressive undercurrent.[416]

In May the chairman of the Republican Congressional Committee of the eighth district, William F. Stipe, who managed Hepburn's campaign, undertook to obtain the names of all Republicans who had refused to sign the Colonel's nomination papers or who had expressed any dissatisfaction with Colonel Hepburn either personally or with his record in Congress. It was reported that Smith was making a favorable impression upon the miners in Appanoose

County. From another section came the opinion that he would not "cut much of a Swath in Col. Hepburns field", although there were some voters who thought the Colonel was growing too old and had been in Congress long enough. In several parts of the district disappointed post office aspirants were spreading dissension. Some apprehension was expressed lest the regular Republicans should be either too complacent or too busy in the corn fields to vote at the primary on June 2nd, for it was understood that the Progressives were planning to have Democrats claim Republican ballots at the primary and then vote for Cummins and Smith.[417]

In order to counteract the "whirlwind campaign" by Cummins in the eighth district just before the primary election, Secretary James Wilson made speeches at Chariton, Corydon, and Centerville, in which he heartily endorsed his old friend, Colonel Hepburn. Both, he said, had grown gray in the service of the nation and the people of Iowa. Major John F. Lacey also made a few speeches in the eastern part of the district where the Standpatters were "illy prepared to cope" with the thoroughly organized, well financed, and enthusiastic Cummins machine. From Mount Ayr, the home of A. I. Smith, came the jubilant news that the light was growing clearer as the "ter-

rible primary'' approached. By means of ''all needful publicity'' it would be very difficult for the Democrats to participate in the Republican primary and while party workers were not counting the ''adolescent pullets before they cease to be oviform'' they confidently hoped to ''skin Smith alive''. Colonel Hepburn took no part in the primary campaign except to encourage a large Republican vote and prevent participation by the Democrats.[418]

Political anxiety among ''Reservation'' Republicans was relieved on June 2nd when W. P. Hepburn was renominated by a majority of nearly six thousand votes. Apparently the Standpatters outnumbered the Progressives in the eighth district nearly two to one inasmuch as Allison defeated Cummins by about the same margin. The total Democratic vote for Congressman which was a little over five thousand and probably represented normal strength was almost equally divided between V. R. McGinnis and W. D. Jamieson — the latter emerging victoriously from a ''strenuous campaign'' with a lead of sixty-nine votes.[419]

It was hoped that the bitterness which characterized the primary contest would not be carried over into the general campaign. Harmony became the watchword of the regular Republicans and every effort was made to reëstablish the party lines that had been obliterated by

independent voting. "It has been my rule," wrote Colonel Hepburn, "no matter how actively I might have participated in the primary contests, to give my hearty support in the final contest. For fifty-two years I have been a supporter of my party ticket, and I have never yet scratched a name on that ticket, and when I have been upon the stump I have given cordial and earnest support to the whole ticket. With these views I am in favor of those policies that will promote harmony and unity of action among republicans, and I am favorable to the proffer of the olive branch where there is a reasonable probability that it will be accepted in good faith, and that such action will bring about earnest endeavors to give a black eye to factional strife."[420]

Conciliation was the keynote of the Republican State convention which met in Waterloo on June 24th to select a State committee and frame a platform. Although the Standpatters had been victorious in the primary election, the "Iowa idea" was cheered vociferously at the convention and Governor Cummins received an ovation as he walked to the stage and took a place beside Lafayette Young and W. P. Hepburn.[421] Later it was Cummins who urged the united support of the entire Republican ticket, both State and national. Any Republican would be derelict in duty, the Governor de-

WILLIAM PETERS HEPBURN

Political Leader 1908

independent voting. "It has been my rule," wrote Colonel Hepburn, "no matter how actively I might have participated in the primary contests, to give my hearty support in the final contest. For fifty-two years I have been a supporter of my party ticket, and I have never yet scratched a name on that ticket, and when I have been upon the stump I have given cordial and earnest support to the whole ticket. With these views I am in favor of those policies that will promote harmony and unity of action among republicans, and I am favorable to the project of the [illegible] where there is a [illegible] will be accepted [illegible] action will bring about [illegible] to give a large eye to [illegible]."

Committees [illegible] the keynote of the Republican State convention which met in Waterloo on June 24th to select a State committee and frame a platform. Although the Standpatters had been victorious in the primary election, the "Iowa idea" was cheered vociferously at the convention and Governor Cummins received an ovation as he walked to the stage and took a place beside Lafayette Young and W. P. Hepburn.[illegible] Later it was Cummins who urged the united support of the entire Republican ticket, both State and national. "Any Republican would be derelict in duty, the Governor de-

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clared, who proposed to vote for anyone other than Allison for Senator after the result of the primary. The only untoward incident that marred the concord of the convention was the "shabby and discourteous treatment" tendered to the temporary chairman when his praise of conservative leaders was greeted by hisses from the radicals.[422]

Hepburn's campaign was conducted chiefly on the strength of his record. On the basis of a statement by President Roosevelt of what he deemed the constructive legislation of Congress during his administration it appears that almost half of the measures had been either introduced or shaped in the House by Colonel Hepburn. Meanwhile the eighth Iowa district did not suffer from the lack of public buildings and other improvements provided at the expense of the national government.[423] The Page County Republican convention expressed "continued confidence and esteem" for Hepburn who was "in the forefront in shaping and securing needed legislation of the utmost importance to the country at large." Especially was he commended "for his strong and aggressive stand in supporting the policies of President Roosevelt." In the words of the temporary chairman of the Republican State convention "the proudest chapter of the history of Roosevelt's administration recounting the triumph of pop-

ular rights over corporate greed'' could not be written without ''showing prominent on every page the name of Iowa's valiant old soldier of battle fields of blood and battle fields of public duty, William P. Hepburn''.[424]

It was predicted early in June that W. D. Jamieson would poll more votes than any other Democrat in the eighth district. In 1906 he had been elected to the State Senate by winning the votes of many independent Republicans. No one denied that he was a ''hustler'' and had ''a way about him'' that won friends. Moreover, he was fortunate in securing the services of an unusually successful campaign manager named James J. Reddy, a popular Irish traveling salesman who enlisted the assistance of nearly every drummer and railroad man in southern Iowa.[425]

The Democrats were shrewd enough to take advantage of all the elements of weakness which Hepburn had developed during the many years of selecting postmasters and securing pensions. Disappointed office seekers and old soldiers were invited to nurse their grudges by defeating ''old Pete'' Hepburn. No doubt the argument that the Colonel was growing too old and had already monopolized the place long enough appealed to many voters. Perhaps if Hepburn had announced that it would be his last term in Congress he might have been elect-

ed. During the later years he had lost touch with the mass of voters and a new generation with whom he was not personally acquainted had grown to manhood. Moreover, his persistent opposition to trade unions had begun to alienate the labor vote. For the first time in many years the Democrats invaded the Republican stronghold in the eastern part of the district. The coal miners were taught to regard "Billy" Jamieson as "one of the b'ys" and a "gud fallar". The irrepressible Reddy saw everybody. Greeks and Italians read in their own language about W. D. Jamieson, a poor man who worked for a living and believed in trade unions: their priests also spoke a good word for him.[426]

The most important source from which Jamieson gathered strength was the radical faction of the Republican party. The district was thoroughly organized. Recruiting stations were established in every precinct and schoolhouse. Every dissatisfied voter received half a dozen personal letters that touched his most sensitive political wounds. The Progressives were reminded that the Standpatters had voted for Claude R. Porter instead of Cummins in 1906. Disgruntled Standpatters were talked to concerning the faults of Cummins and the Progressives. The speeches Hepburn made for Cummins in 1906 probably lost him standpat

votes and when the Standpatters failed to vote for Cummins the Progressives decided to punish Hepburn for it in 1908. In accordance with the harmony program in 1908 Standpatters voted for the Progressive candidates but the Progressives, though protesting their loyalty to Colonel Hepburn, coolly voted for his rival. In some instances it seems that the Democrats voted for minor Republican candidates in exchange for Jamieson support. It was asserted that Cummins Republicans voted for Jamieson "in droves". Accusations that the Progressives had betrayed their party were current.[427]

Whatever may have been the political finesse to which Jamieson resorted, the official count of the ballots cast in the general election on November 3, 1908, gave him the narrow plurality of three hundred and ten votes over William P. Hepburn. Election returns seem to indicate that about six thousand Republicans voted for Jamieson. He carried every county except Appanoose, Clarke, and Page. In Page County alone, the home of both candidates, Hepburn's majority was nearly a thousand less than in 1904.[428]

The chagrin of being defeated on the eve of the seventy-fifth anniversary of his birthday was relieved for Colonel Hepburn by messages of sympathy and of sorrow from all parts of the country. "Your defeat is an outrage",

telegraphed George D. Perkins from Sioux City. Fellow Congressmen, Democrats and Republicans alike, were astounded that the Colonel's "splendid service to the public" could have failed of recognition at home. "It seems incredible", wrote a friend in Vicksburg, Mississippi; while in Seattle, Washington, "expressions of regret" were heard "on every hand." There were many who, though regretting the personal misfortune to the Colonel, felt that the loss to the State and nation was far greater. Representatives of the Signal Corps and the Revenue Cutter Service particularly were distressed by his defeat.[429] "I pray you to believe, Sir," wrote a New York lawyer, "that where one gloats over your defeat, a score of better men weep for it." President-elect Taft telegraphed that he would have been gratified if the Colonel "could have been a member of the house of representatives" during his administration.

But of all the letters he received Colonel Hepburn cherished most a letter from Theodore Roosevelt. "I do not know whether to be most grieved or concerned or indignant", wrote the President. "In any event, my dear Colonel, you have the right to feel that in peace and in war you have been a singularly straightforward and efficient servant of the country. You have deserved well of the Nation. I count

my association with you as one of peculiar value, and I am glad and proud to have stood with you in those many civic battles which we have fought together.''[430]

The events of election day, the Colonel wrote to his grandson, seemed ''very full of misfortune'', but in comparison to all the kindly action of the Republicans during the previous twenty-eight years his defeat appeared very insignificant. ''I had fully made up my mind'', he continued, ''that this would be the last time I would be a candidate, and that two years hence I would be relieved of the burdens and responsibilities of a Congressional place.'' Nearly three years earlier he had stated that he little cared, ''very little indeed'', whether or not he remained in Congress. He had decided then that the first indication of weariness with his services would be the signal for the end of his candidacy.[431]

Though the Colonel was inclined to accept his defeat philosophically many of his friends who had worked arduously for his election begged him to demand a recount of the votes. It was asserted that many ballots cast by voters who intended to vote a straight Republican ticket were thrown out on technicalities resulting from the confusion caused by removing the party circle. Hepburn was reminded that he owed it to his constituency that they should not

be disfranchised by errors of judgment, and that it was his duty to contest the election if he was the choice of the majority. While he had little to gain personally by another term in Congress, his services would be of great benefit to the party and to the country. He therefore consented to the contest if it could be proved that injustice had been done and on December 3, 1908, he notified James J. Jamison and M. L. Temple to undertake the investigation. Votes were recounted in some counties but without material advantage either way. While Hepburn might have been seated by the Republican House, he refused to accept the place unless he had been fairly and unquestionably elected. So the recount came to a halt and the contest was finally abandoned.[432]

No sooner had the result of the election been determined than newspaper speculation and over-zealous friends began to suggest that Hepburn should accept a place in Taft's Cabinet, but that proposal was promptly vetoed by the Colonel. "I do not want anything to be done or said that could be construed into rivalry of James Wilson", he wrote to A. B. Thornell. "It is not likely that two Secretaries will be taken from Iowa, and an advocacy of myself for a position might be construed as a disparagement of or hostility to Mr. Wilson. You may remember that twenty-two years ago,

when I was having my most vigorous fight with Al. Anderson, Senator Allison refused to come into my district to make speeches, and Senator James F. Wilson cancelled five appointments that had been made for him in this district, yet 'Tama Jim' Wilson came to my aid and spent two weeks trying to help me. Last spring prior to the primaries he made three speeches in this district; this fall he made a number, and I cannot but think that I would be the most shameless ingrate if I took any position that might seem to be in the remotest degree opposed to him."[433]

Sometime later Colonel Hepburn consented to become a candidate for a judgeship on the Customs Court, although he was really anxious to find employment outside of public office. Many friends, irrespective of party affiliation, urged Hepburn's appointment to some government position. W. C. Adamson reminded President Taft that while suitable places were few there were also "very few of Col. Hepburn." The President finally offered him a place as Commissioner of Pensions, but by that time Hepburn had made arrangements to open a private law office in Washington and was in a position to inform the President that he could not accept. A few days later he withdrew his name as a candidate for the Customs Court.[434]

XXIX

The Rules of the House

The first speech delivered by William P. Hepburn after his return to the House of Representatives in 1893 was a protest against the power of the Speaker to refuse to recognize a member who desired to address the House; and the subject of his farewell speech in February, 1909, was the revision of the rules. From the beginning to the end of his Congressional career Colonel Hepburn led in the struggle against the "czardom" of the Speaker and the autocracy of the Committee on Rules. He saw that the representative function of Congressmen was being impaired, and he resented the denial of equal opportunity to all members of the House. Year after year he poured out "in the cloak room as well as on the floor, his heartfelt, picturesque, sardonically humorous comments on the unfairness of the one-man power regime." Although at first he was almost alone in his insurgency, he was not disciplined by the machine — probably because he was one of the most able, fearless, and vindictive men in Congress or because the majority of his asso-

ciates felt in their hearts that "Old Pete" was right.[435]

"Each constituency is the equal of every other, and through its Representative is entitled to the same rights as every other", declared the Colonel in 1893. The power of the Speaker "to absolutely disfranchise a constituency", by refusing to recognize a member, he believed to be contrary to the spirit of the Constitution. Much had been said against the peril of allowing the Speaker to determine whether a motion was dilatory in character, or whether a member who was present and refused to vote could be counted for the purpose of securing a quorum; but Hepburn was the first to protest against the more dangerous practice of refusing recognition, which meant that the Speaker could declare that a Representative was absent during his whole term and could decide that a particular member should submit no motion of any kind, dilatory or otherwise.[436] "If there is any one proposition of the Constitution that is well established it is the absolute equality of constituencies", Hepburn proclaimed in 1896. Yet the Speaker was empowered to arbitrarily "silence a constituency during the existence of an entire Congress." It was Hepburn's opinion that Representatives had no authority for surrendering the right of the people to have their will expressed in Congress.[437]

When Speaker Reed and the Committee on Rules refused to make a special order for the consideration of the Nicaragua canal bill in the Fifty-fourth Congress — despite overwhelming sentiment in favor of the measure — Hepburn was thoroughly convinced that the rules ought to be amended. At the beginning of the Fifty-fifth Congress, therefore, when David B. Henderson moved that the rules of the previous Congress be adopted until further notice, Hepburn proposed to limit the period to thirty days. Henderson objected, and promised that new rules would "probably be reported long before the thirty days expire" and that the House would have the "fullest opportunity" to offer amendments. Had it not been for this statement the amendment offered by Colonel Hepburn would probably have been adopted, for on the question of ordering the previous question to the exclusion of the amendment there were one hundred and fifty-eight yeas to one hundred and fifty-eight noes and the resolution to adopt the rules of the Fifty-fourth Congress finally carried by a majority of only twenty-four votes. During the entire Congress, however, the Committee on Rules, of which Henderson was chairman, failed to report either a new code of rules or amendments to the old rules.[438]

Hepburn, working earnestly for the enact-

ment of isthmian canal legislation and being obstructed in every effort, lost respect for standing rules that permitted half a dozen men to determine what bills should be considered in the House. His attempt to tack the canal bill on to the sundry civil appropriation bill as a rider precipitated a bitter debate in which the sanctity of the rules was proclaimed by Congressmen who, even as they spoke, were guilty of unparliamentary conduct. The circumstances surrounding the adoption of the rules destroyed the reverence with which the Colonel usually desired to regard law, while the wanton violation of the rules by those who on other occasions invoked them to control the action of other members made it impossible for him to have faith in the inspired character of the rules. Furthermore, the Constitution empowered the House of Representatives to prescribe its rules of procedure without limitation, and Hepburn contended that the majority of the House could "fix these rules when they want them, and how they want them, to accomplish those purposes that the lawmaking majority choose." Every vote to sustain or overrule a decision of the Chair, he announced, was equivalent to the adoption of a rule for the government of the House, at least for the particular occasion. "I want it to be understood", he declared, "that the House itself, when it

chooses and how it chooses, may, for the then action, make that rule that it desires to make, and that action of the House at the time that it acts is a rule''.[439]

On account of the extremely narrow Republican majority in the Fifty-sixth Congress the party leaders in the House determined that any attempt to revise the rules might result in the loss of control. Speaker David B. Henderson was supposed to have conciliated Colonel Hepburn, but when a resolution was introduced in the Republican caucus to bind the party members to adopt the rules of the Fifty-fourth and the Fifty-fifth Congress, the Colonel objected vigorously.[440] The rules, he insisted, should be modified, especially in connection with the question of recognition. He also contended that there should be a general decentralization of power in reference to committees, and that the Committee on Rules should be entirely independent of the Speaker, increased in size, elected by the House, and composed exclusively of majority members. Even his proposal to limit the adoption of the old rules to a period of forty days met with such scant approval that he withdrew the amendment and united with the other Republicans in adopting the original resolution.[441]

When the House was asked to adopt the rules of the previous Congress the Democratic

floor leader, James D. Richardson, expressed the hope that "the very able and distinguished gentleman from Iowa [Mr. Hepburn], who now occupies his seat on the other side of the House,[442] would bring forward his armies to take part in the contest against these rules"; but he understood from newspaper reports that his friend had "marched his army up the hill, and, following an illustrious precedent on another occasion", he had marched it down again.

"Mr. Speaker", replied Hepburn, "there are many rules of this House that do not meet my approval; but their adoption became a subject of party action — I will say to gentlemen if they want the whole truth — of caucus action; and the wisdom of the majority determined that the rules as they are were the better for the future government of the House; and with that modesty which always characterizes 'the gentleman from Iowa' [laughter], when the majority of my own party so said, I yielded that implicit obedience that I hope I will always be able to yield."[443]

Obedience for the sake of party unity, however, did not mean that the Colonel ceased to chafe under the autocratic rules of the House. During the second session of the Fifty-sixth Congress, when the reapportionment bill was under discussion, Hepburn ventured the opinion that it would be better to "decrease rather

than increase the number of Representatives" because that would tend to make deliberation possible.[444] "Because the House is so large," said he, "because it is so unwieldy, because the confusion is so great" despotic rules are necessary for the transaction of business. He challenged anyone to tell how a measure could be brought before the House without the assent of the Speaker and, "with reference to the great majority of propositions," how a bill could be brought before the House after it had "gone into the bosom of a committee and that committee does not see fit to report it?" The plan of the Constitution, he declared, had been "subverted, destroyed, annihilated" by the surrender of the political power of constituencies to the Speaker on account of the great size of the House.[445]

Although Colonel Hepburn submitted to the will of the majority in 1899 that fact did not deter him from renewing the contest for a revision of the rules in the Republican caucus preliminary to the organization of the Fifty-seventh Congress.[446] When John Dalzell proposed to adopt the old rules Hepburn immediately offered an amendment limiting the period to forty days, at the end of which time the rules were to be placed before the House for consideration. In the course of an earnest argument in favor of temporary action he advocated four

important changes that he considered necessary. He urged that the Speaker should be compelled to recognize the first member who addressed the Chair; that there should be four suspension days a month instead of two; that the old "morning hour" should be revived; and that Senate amendments to House bills should be subject to the same points of order as House amendments.[447] After nearly two hours of debate Hepburn's motion for temporary adoption of the rules was defeated by a vote of almost three to one, while his four modifications offered successively as distinct amendments were overwhelmingly rejected.[448]

If newspaper statements were reliable, said Richardson two days later in a protest against the adoption of the rules of the Fifty-sixth Congress, Hepburn "has 40 gentlemen on that side of the House up in arms and ready to follow his lead in an effort to amend these rules. Now, if he will bring his 40 men forward, I pledge him 150 or 160 on this side of the House, and we will change the rules." Colonel Hepburn replied that he had entertained the opinion for many years that "the rules were not perfect", that "there were amendments that might be made that would tend to the better government of this House", and that he had "endeavored in season and, some gentlemen would say, out of season to se-

cure a change." But he recalled that the Democratic majority in the Fifty-third Congress had refused to accept any of the changes he had then proposed, while the Republicans had recently decided by a large majority that his proposals were not judicious. When "I find the whole Democratic side of the House against me", said the Colonel in conclusion, "and a large majority of my Republican colleagues against me I must distrust the wisdom of my own conclusions."[449]

The announcement in September, 1902, that David B. Henderson had declined to accept the Republican nomination for Congress opened the problem of selecting a Speaker for the Fifty-eighth Congress. Prominent among the leading Republicans in the House who were mentioned favorably for the Speakership was William P. Hepburn.[450] In canvassing the qualifications of the various candidates there was "invariably a long pause when Colonel Hepburn's name" was reached on the list, and it was "among the very first." His "record for consistency", his "stalwart republicanism", his "broad and liberal ideas", his "sincerity and sturdy sense of conviction", and his unsurpassed ability, all "commanded the high esteem and genuine admiration" of the House. Moreover, the Colonel's long standing opposition to autocratic rules and his efforts to obtain

a more deliberative system of legislative procedure had given him a reputation for democracy and consistency, while his cheerful submission to the verdict of the caucus majority had established a reputation for party loyalty. It was thought that Hepburn's steadfast opposition to reciprocity with Cuba in the first session of the Fifty-seventh Congress would win the support of the beet-sugar faction in addition to his natural strength due to geographical location and eminent fitness for the position. What was at first only "mention" had developed by the end of September, 1902, into a genuine boom.[451]

About the middle of October the talk of Colonel Hepburn for Speaker was practically silenced by the publication of a letter he had written to a friend in Washington disclaiming his candidacy for the position. He frankly admitted that he "would not be averse to occupying the speaker's chair"; but he took the view that he could not be chosen, and having learned the futility of "butting his head against stone walls" he refused to become a candidate.[452]

It was conceded that the Colonel possessed the ability to make a great Speaker and many meritorious measures of which he was a leading advocate would have profited by the influence of the position, but various circumstances made his selection impossible. "Mr. Hepburn, the

Boanerges of debate, is from Iowa, and Iowa will not have two speakers in succession", prophesied the Philadelphia *Press*. Moreover, his candidacy would have been interpreted in the light of his championship of rules more liberal than the majority of Republicans were willing to accept. There was another very practical reason for refusing to enter the contest: Joseph G. Cannon commanded the support of western Congressmen which would have been essential to the success of Colonel Hepburn.[453]

The Republican caucus of the Fifty-eighth Congress met on November 7, 1903, and unanimously nominated Joseph G. Cannon for Speaker, an event that had been practically certain for almost a year. In the same meeting "Pete" Hepburn was selected chairman of the caucus to succeed Cannon. Following the organization of the caucus and the nomination of House officers, Colonel Hepburn offered his customary motion to delay the final adoption of the rules, but it was lost as usual by an overwhelming vote.[454]

Convinced, apparently, that the Republican caucus would never consent to a revision of the rules and defeated in the election of 1908, Colonel Hepburn decided to force the issue in the final session of the Sixtieth Congress without the support of his party.[455] Accordingly,

on the evening of December 11th twenty-five insurgent Republicans gathered in the Interstate and Foreign Commerce Committee room for the purpose of inaugurating the fight for more democratic procedure in the House. Colonel Hepburn presided over the meeting and was authorized to name a committee of five, with himself as chairman, to draft proposed amendments to the rules. It was suggested that the rule on recognition should be revised, that the committees on Elections and Rules should be made elective, and that the membership of the Committee on Rules should be increased. The obvious purpose of the "insurgents" was to so augment their numbers that by uniting with the Democrats they could control the House.[456]

The first skirmish on the floor of the House occurred four days after the "insurgents" had decided to strive for the amendment of the rules. A resolution was offered proposing that eight members of the House, five selected by the Speaker and three by the leader of the minority, should be appointed immediately to report not later than February 1, 1909, any changes in the existing rules of the House that might seem desirable. Representative Payne at once made the point of order that the resolution was not privileged and could not be considered. Speaker Cannon sustained the point

of order and upon an appeal his decision was upheld by a vote of one hundred and forty-nine to one hundred and thirty-six. Although the vote on the appeal was not a fair test of the strength of those who probably favored the resolution, since the decision was in accord with parliamentary practice, many of the "insurgents" nevertheless voted against the Speaker. Hepburn, conscious of the justice of the decision on the point of order yet thoroughly in sympathy with the resolution, refrained from voting.[457]

However impossible it may have been for the "insurgents" to actually achieve the revision of the rules, they were at least successful in bringing the subject to the attention of the public. Hitherto "opposition to the divine origin of the rules" had been treated with levity or contempt, but the threatening alliance of "insurgents" with the Democrats was cause for alarm. The parliamentary clerk of the House, Asher C. Hinds, hastened to uphold the existing procedure in an able magazine article that was extensively reprinted, while on January 7, 1909, Marlin E. Olmsted made an elaborate defense of the rules on the floor of the House. A general debate ensued in which Augustus P. Gardner aired the grievances of those who were in open rebellion and William B. Cockran occupied "a middle ground".[458]

Meanwhile the "insurgents" were continually at work trying to devise some satisfactory plan of changing the rules. On January 27th Colonel Hepburn announced that they had practically agreed to propose a group system of selecting committees as a method of curbing the dictatorial powers of the Speaker. According to this scheme Republican members would be divided into nine groups and the Democrats into six. Each group would name one member of the Committee on Rules. All other committees would be appointed by the Committee on Rules, the selection of members to be based upon geographically grouped States, and each committee would select its own chairman.

To secure greater freedom in the consideration of measures it was proposed to set aside each Tuesday, except during the last six days of a session, when no business except that on the House Calendar and the Calendar of the Committee of the Whole House on the State of the Union should be in order. On "calendar Tuesdays" standing and special committees were to be called in regular order and each committee could call up any bill on either calendar reported by it the previous day. Unless all business had been disposed of, motions to adjourn, take a recess, or rise were not in order before four forty-five o'clock in the afternoon. Furthermore, on "calendar Tuesdays" general

debate on a measure in the Committee of the Whole could be closed any time after the expiration of forty minutes. Proceedings under this rule could be suspended for the day by a two-thirds vote.

By February 8th all plans for the crucial contest in the House were complete and the following day twenty-nine Representatives introduced a resolution which embodied the provisions for "calendar Tuesday" and a Committee on Rules and Committees organized and empowered in the manner suggested by the "insurgents".[459]

On February 18, 1909, near the close of twenty-two years of Congressional service, William P. Hepburn delivered his farewell address. Notice had been given that he would discuss the rules governing the conduct of business in the House of Representatives, and when he arose in his place every seat on the floor was occupied and the galleries were crowded. Never was the Colonel more eloquent. With biting satire, keen wit, and scathing ridicule he drove home his points against the arbitrary powers of the Speaker. The suggestion that the "insurgents" were assaulting the Reed rules he declared was a slander upon their purpose. The Reed rules were designed to stop filibustering, and that purpose was accomplished by empowering the Speaker to deter-

mine when motions were dilatory and conferring upon him the right to count a quorum from those present rather than from those voting. "There is not one of the Reed rules that I would change", said Hepburn, thankful that the House by that means had escaped from the power of an irresponsible mob. It was his hope that the House would also escape from the "undue and overgrown power of the Speaker". Not that the animadversions upon the Speaker were in any sense personal, for said he, "If we are to have a benevolent despot, then the benevolent gentleman who is our despot would be my choice." It was not the man but the system against which he rebelled.[460]

The Constitution contemplated the equality of Congressional constituencies and stood all Representatives upon the same plane, investing them with the same amount of political power, no more and no less, Hepburn asserted. According to practice, however, no Representative was able to deliver the message of his constituents except with the consent of "the gentleman from the Danville district." In every other legislative convocation in the world the rule prevailed that the presiding officer should recognize "that man upon whom his eye first rested", but in the House of Representatives of great, democratic United States, every member was made "a mendicant at the feet of the

Speaker begging for the privilege'' of doing his duty and, no matter how arbitrary the decision, upon the question of recognition ''there is no appeal.''

Should a member desire to call up a bill for consideration by the House, the Colonel continued, he ''must negotiate with the Speaker'', and if the measure does not meet his approval the Representative might be denied even the ''poor advantage of appealing to the House for a two-thirds majority'' in support of the proposition during the one day each month when motions to suspend the rules were in order. There should be one day every week, contended Hepburn, when the House would automatically take up the business on the calendars and by orderly procedure dispose of it.[461]

The most important object of the ''insurgents'' was to deprive the Speaker of his inordinate power. With investigation, debate, and deliberation confined mostly to committee rooms and the disposition of Congressmen to rely more and more upon the conclusions of their colleagues in committee reports the importance of the absolute power of the Speaker to determine the membership of committees increased proportionally. Not only did the Speaker name the committees, but he determined what bills should be referred to each.

More than that, he selected the chairmen of the committees, who constituted a "cabinet" of fifty or more safe Representatives who were absolutely loyal. Hepburn's remedy would have been to deprive the Speaker of the power of appointing committees and to authorize the committees to name their own chairmen.[462]

Another of the most obnoxious powers of the Speaker was that derived from his practice of interpreting the rules and the construction he placed upon precedents. Rules were made not by the will of the House, Hepburn declared, nor by the voice of the majority, but by interpretation and usage, until actual procedure had little semblance to the practice prescribed by the standing rules.

"We hear it said often", continued the Colonel, "that the majority of this House controls its legislation. I would like to ask any one of the distinguished gentlemen who compose the revered Committee on Rules, by what process the majority of this House would secure a change in the rules? I assert that there is no power against the will of the Committee on Rules and the Speaker. . . . We would introduce our resolution providing for the change. Where would it go? The Speaker, a member of the Committee on Rules, knowing the trustworthy character of that admirable committee, would at once consign it to the Committee on

Rules. Ah, it is easy to get into the Committee on Rules; but by what hoist and by what petard would we get out of the Committee on Rules?"

Colonel Hepburn dared not hope that there would be any change in rules during the Sixtieth Congress; but he was certain that every day of agitation would challenge the attention of more and more people and that the time would come when they would know how faithless their representatives had been in "the care and guardianship of representative democracy", and then there would be no difficulty in restoring the Speaker to his Constitutional position.

True to his prediction the resolution of the "insurgents" was never reported to the House, although on March 1st, within four days of the end of the Sixtieth Congress, a meaningless amendment was adopted which provided for a calendar Wednesday each week (except the last two weeks of the session) when no business should be in order except the call of committees. "I want to congratulate the gentleman from Pennsylvania [Mr. Dalzell] and his two Republican associates upon the Committee on Rules. The gentleman sees light breaking. The gentleman sees, if not light, probably a storm breaking, and the gentleman is breaking for cover." These words of Colonel Hepburn were prophetic.[463]

XXX

The End

On March 4, 1909, the public career of William P. Hepburn came to an end. For more than half a century, a period almost coterminus with the golden age of the Republican party, he participated actively in political affairs. Sponsor of much of the most constructive legislation during the first decade of the twentieth century, he attained a high place in the councils of the nation. Always essentially honest, intrepid in his fidelity to principles, a zealous partisan,[464] ever true to his convictions, able, energetic, an enemy of fraud and hypocrisy, absolutely faithful to friends, harsh with opponents albeit he was quick to forgive mistakes in judgment, generous by nature,[465] an exceptionally ready and forceful debater, pure in private life,[466] and respected by all who knew him, Colonel Hepburn was acknowledged for many years as one of the great men in the House of Representatives.[467]

In a pecuniary way he had comparatively little to show for his long service in public office. The natural advantage of a seat in Con-

gress was never utilized for private gain. Wealth seems to have had little attraction for him. He managed to live within his salary and invested his savings in Iowa land. Aside from his home in Clarinda and a residence in Washington he owned three hundred and ten acres in Page County and nine hundred and thirty acres in Decatur County.[468]

He continually gave money to his children and grandchildren or made small loans to people he scarcely knew. All through life he seems to have retained the same scorn of poverty that he exhibited during the dark years of the Civil War. There are some people who must be poor, he wrote to Mrs. Hepburn in 1863, "and of course it is better that it should be those with as light hearts as ours. Poverty is certainly not one of the curses when accompanied with a philosophy that can patiently submit to it, or a blithesomeness of heart that can laugh at it. I would rather be poor and happy than a Croesus, and weighed down by the cares and fears of a millionaire."[469]

It was characteristic of the Colonel that he did not retire from Congress to a life of ease. He hoped that in the years which remained he could "by rising early and going to bed late" serve the friends to whom he owed so much. Though he had no expectation of ever again becoming a candidate for public office he did

want some employment that would make him independent.

After a visit to Iowa and a few months of rest he decided, at the age of seventy-six, to resume the practice of law, and early in December, 1909, he opened an office in Washington. His clients at first were not numerous, but they were good; and as time passed the number increased, so that his income greatly exceeded the compensation he had received as a Congressman.[470]

The defense of Harvey W. Wiley, Chief of the Bureau of Chemistry in the Department of Agriculture, was probably Hepburn's most interesting case. Through the efforts of unscrupulous manufacturers to interfere with the enforcement of the pure food law, Dr. Wiley was maliciously accused of using his appointing power in an irregular manner, and in July, 1911, Attorney General George W. Wickersham endorsed a recommendation that he be dismissed from the public service. Dr. Wiley immediately employed Colonel Hepburn to lay the evidence in the case before the President and to assist in the hearings before the Committee on Expenditures of the Department of Agriculture. The complete vindication of Dr. Wiley is evidence that the Colonel was eminently successful.[471]

While Hepburn had no desire for public of-

fice after 1909 he did maintain a lively interest in the welfare of the political party in which he had been a dominant figure for more than fifty years. That he could not bear "to see a herd of political pirates wreck the old party" was only natural. To him patriotism was synonymous with Republicanism, and any act that threatened the prestige of the Republican party approximated treason. Absolutely honest himself, he saw no connection between the Republican party and the dangerous growth of capitalism.

Always progressive in policies, though a Standpatter on principles, Colonel Hepburn was willing to "go a long way" toward conciliating the radical element of the party. Early in 1910, however, he realized that there was to be no peace between the liberal and conservative factions. The Standpatters, he thought, should make a fight for the Taft administration, and if the Democrats secured a majority in the House of Representatives it would be the fault of the Progressives who would then leave the party and "purified republicanism" would reassert itself.[472]

The Republican State convention which met in Des Moines on August 3rd developed into a contest between the Progressives and the Standpatters. The Progressives, with a majority of about two hundred and fifty delegates

headed by Senators Dolliver and Cummins — the most aggressive opponents of the Payne-Aldrich tariff and the severest critics of Republican leaders in Congress[473]—were prepared to use steam-roller methods if necessary. The Standpatters, however, were undaunted. Under the leadership of William P. Hepburn, John F. Lacey, and George D. Perkins they contested every action of the convention from the election of Senator Dolliver as permanent chairman to the adoption of resolutions.[474]

Preceding the convention both the "insurgent" and "regular" delegates framed tentative platforms, with the result that the committee on resolutions, after three hours of debate, failed to reach an agreement. Colonel Hepburn, with "his gray hair bristling aggressively in every direction," read the minority report endorsing President Taft's approval of the Payne-Aldrich tariff and commending in glowing terms his prudent, business-like, and economical administration. The convention listened respectfully until the Colonel reached the final resolution which praised the Iowa delegation in Congress for supporting the President in his administrative and legislative policies. At that juncture some of the delegates began to hiss and the Progressives in all parts of the hall joined in an attempt to compel the Colonel to leave the platform. Four times

he read that last resolution, in his determination to be heard, and then moved the adoption of the minority report. On the roll call that followed, five hundred and sixty-eight delegates voted in favor of the unequivocal endorsement of President Taft and eight hundred and fifteen against it. Hopelessly outnumbered the "old guard" went down in defeat before the rising tide of insurgency.[475]

The Payne-Aldrich tariff was the occasion for widespread disaffection among Republicans in 1910, but the more complete program of the Progressives, as announced by Theodore Roosevelt in his Osawatomie speech, included stringent regulation of big business by the Federal government, a tariff commission, graduated income and inheritance taxes, conservation, legislation favorable to labor, and more direct participation of the people in government. Though Hepburn had sponsored much of the progressive legislation during Roosevelt's administration and led the "insurgents" in their efforts to dethrone the Speaker, he had no sympathy for radical political innovations such as Roosevelt and the National Progressive Republican League advocated in 1911. So when it became necessary to align himself with the progressive Republicans, who advocated many reforms the Colonel favored, or with the reactionary group, against whom he had often

contended in Congress, the decision turned upon the acceptance or rejection of advanced political reforms and Colonel Hepburn chose to remain a "regular" Republican. He believed that radicalism had run its course, that the majority of people entertained more conservative views, and that there was a "prospect for saner and safer methods than these extreme gentry" proposed if the Republican organization could be kept intact.[476]

As the Presidential campaign of 1912 approached, Colonel Hepburn realized that the Republican party was "in a very serious condition." Without under-rating the strength of rival candidates, he thought that Taft was the only man the party could hope to elect. While the President had made "several serious mistakes" that justified criticism in the Colonel's opinion, his administration in the main had been successful. "He has kept fully abreast with the true progressiveness of his times", wrote Hepburn to a friend. "He has administered the law and enforced it more successfully than any of his predecessors. . . . It is only during his administration that illegitimate combinations have learned to fear the penalties of the statute. If there was nothing else to commend, the stand that he has taken and the progress that he has made toward universal peace among the nations and the elimination of

war he would have the commendation of mankind.''[477]

Of the other Presidential possibilities Senator La Follette was already out of the running. ''He has been abandoned by every prominent man among his supporters'', declared Hepburn in February. The announcement of the candidacy of Senator Cummins, he felt, was ''a fraudulent and dishonest effort to maintain his hold on the political machinery of the party in Iowa, that he may use it in a senatorial fight two years hence.''

Though Hepburn had great respect for Roosevelt, he confessed that he ''would not like to vote for him, or any man'' who entertained the ''sentiments expressed by him in his Osawatomie speech'' or in his address before the Ohio Constitutional Convention. Hepburn believed that the initiative, referendum, and recall were subversive of the whole system of representative government, and he did not want that fundamental principle changed. If Roosevelt should be nominated and the Republican platform should embody those extreme doctrines he was at a loss to know where he would ''find a place in the political future.'' He also recalled that there had been more Republican criticism of Roosevelt than of Taft and that Roosevelt had alienated many Catholic, Jewish, Negro, and labor voters. His

election, the Colonel thought, "would be well nigh impossible", and "his nomination would very greatly jeopardise the continuation of the Republican party."[478]

In April, 1912, Colonel Hepburn made a trip to Iowa for the special purpose of attending the Republican State convention that met in Cedar Rapids to select delegates-at-large to the national convention. As the Progressives had controlled the State convention in 1910 so now the conservative Republicans, with a majority of only forty-one delegates, under the leadership of Hepburn and Perkins, held the convention firmly for Taft. "Cummins made a very gallant fight. He was a 'favorite son', and State pride — the possibility of having a President from Iowa — was of considerable advantage to him". President Taft was not popular in Iowa, principally on account of his reciprocity and civil service ideas. There was little enthusiasm for him in the convention so that "the success of his supporters was the triumph of the party". Colonel Hepburn might have been one of the delegates to the national convention, but he felt that it was time the younger men were given some of the honors and consequently James F. Bryan, his former secretary, was selected.[479]

Anxious that President Taft should be renominated, Colonel Hepburn journeyed to Chi-

cago in June to be present at the national Republican convention. Although he did not attend the sessions frequently he met a great many of his Iowa friends and was in a position to observe "the stirring events" that occurred. "The Roosevelt fellows", he wrote to his grandson, "made a great cry about robbery of seats and about running the steam roller over Roosevelt's friends, but I think that Mr. Roosevelt's friends were as intent upon stealing delegates as any class of men in the city." Indeed, after the committee on credentials was appointed "the Roosevelt crowd only claimed . . . . that they were entitled to 78 of the [252] contested delegates, acknowledging thereby that 174 of their contests were fictitious and made solely as a basis for crying 'stop thief.' " Moreover, the committee on credentials was composed of as high-minded men as there were in the party, and "it was quite aggravating" to Colonel Hepburn "to sit quietly by and hear such fellows as Flinn of Pittsburgh, and Heney of California, and Pinchot and Garfield, and the two Medills, and other peewees of that crowd calling these gentlemen thieves and robbers and scoundrels, and the President of the United States a receiver of stolen goods."

Hepburn was not confident that Taft would be elected, but he thought the platform was good and if the Republicans were defeated they

would at least have a program on which to "rally the true republicanism for future contests." He was hopeful that Roosevelt would "be able to organize a third party. It is the only way we can get rid of the guerillas and insurgents that are within the Republican ranks."[480]

The hopes and fears of Colonel Hepburn were realized in the organization of the Progressive party in August and the disastrous results of the election in November. Two years later, however, he believed that the outlook for Republicanism was "most encouraging". So far as Iowa politics were concerned he saw only "one obstacle in the way of that complete harmony that is essential to future Republican success"—Mr. A. B. Cummins. For the first time in his life Colonel Hepburn "mutilated" his ballot and voted for the Democratic candidate for Senator in 1914. He felt that there would never be harmony in the Republican party under the leadership of Senator Cummins and thought any action which would help to eliminate the Senator would contribute to the resuscitation of the party.[481]

Thus, as intense loyalty to the Republican party forced Colonel Hepburn to take his place in the ranks of ultra-conservatives in 1910 and in 1912 to oppose the program of Theodore Roosevelt with whom he had worked harmoni-

ously many years, so it came to pass in 1914 that he was willing to break a lifelong habit by voting for a Democrat in order to defeat a Republican whose leadership he believed was inimical to the interests of the party.

During the closing years of his life William P. Hepburn seemed to retain all of his physical and mental vigor. Almost every summer he left his law office in Washington and journeyed to Iowa where he looked after his farms, talked politics with his neighbors in Clarinda, attended conventions, and made speeches on special occasions.[482] A witness of the development of Iowa and the nation during three-quarters of a century, Colonel Hepburn delighted in allowing his mind to wander back over the years that were past and in telling of the marvelous changes he had observed. Whether engaged in a chance conversation with a friend or in delivering a public address his discussion of contemporary problems was always forceful and incisive.[483]

Patriotism was the key word of a speech made in Sioux City on June 9, 1915, at an annual encampment of the Iowa department of the Grand Army of the Republic. "I do not speak of our broad territories, of our gentle climate, of our abounding harvests, of the plenty and the prosperity everywhere in the land, alone. But I speak of the liberty, I speak

of the opportunities, I speak of that equality upon which this nation was founded", he said. At a time when men were denying the obligation of the government to protect citizens of the United States in Mexico and on the high seas, Colonel Hepburn always declared that American traditions taught the duty "to assert before all the world" the dignity of the flag that "gave protection to every American and his property wherever he chose to go under God's sun." With the circumstances of the European conflict in mind he dared not hope that war would never come to America, but if it should he wanted the country to be prepared and "to stand by him that in lawful way we have made our Commander-in-Chief." For the old soldiers the only sphere of usefulness to the nation seemed to be to teach the lessons of patriotism to sons and grandsons.[484]

"It is not probable that occasions like this will come to us many times in the few remaining years", said Hepburn to his comrades. Little did he realize, however, that for him it was to be the last camp-fire he would ever attend. In November, 1915, as he was entering the eighty-third year of his life, he experienced a serious illness. A month later his health had improved so much that he began to think of returning to his law practice in Washington. Toward the end of January, however, his heart

suddenly weakened. For a week or more he was able to be about the house, entertaining callers and attending to business matters with his accustomed cheerfulness and keen judgment. On the morning of February 7, 1916, he did not feel able to be out of bed, and shortly after noon, while members of the family were at dinner, Colonel Hepburn died, as calmly as though he had fallen into a deep sleep.[485]

Three days later old friends gathered in Clarinda from far and near to pay their final respects to the honored pioneer, soldier, lawyer, and statesman. The body lay in state at the Methodist Church where, in the presence of a guard of honor, hundreds of people viewed his face for the last time. Late in the afternoon he was buried with impressive Masonic ceremonies in the Clarinda cemetery.[486]

The words and deeds of William P. Hepburn depict his character and services so clearly that further interpretation seems superflous. Only a few contemporary estimates of the worth of the man and his work need to be recorded. People who knew him best were foremost in expressing appreciation of his achievements, respect for his ability, admiration for his integrity, and love for the man himself.

Upon his personal character and moral courage there is no finer commentary than an inci-

dent which occurred on a trip to a G. A. R. encampment. The old soldiers were telling stories and singing songs when someone started a ribald parody to the tune of the Battle Hymn of the Republic. Before there was time for applause or laughter Colonel Hepburn was on his feet singing in his melodious voice:

In the beauty of the lilies Christ was born across the sea,
With a glory in His bosom that transfigures you and me;
As he died to make men holy, let us die to make men free;
While God is marching on. [487]

Newspapers in every part of the country published the news of his death and paid tribute to his statesmanship. "William P. Hepburn will be remembered", wrote the editor of the New York *Tribune,* "as a public man well out of the common rut. He had qualities which set him apart in the House of Representatives, in which body he exercised an influence based solely on his personal gifts and character. He never sought leadership in the ordinary sense. He never stooped to the arts which usually win that sort of recognition. He was no log-roller and he served no interests which could reward him by political advancement. He was his own master, and held his freedom as a public man

above any honors which subserviency to powers outside the House or submissiveness to the machine within it might bring him."[488]

A session of the district court in Clarinda was suspended while members of the Page County bar held a memorial service in honor of the oldest and most eminent of their number. Eloquent, indeed, were the tributes of the Colonel's former associates. Sympathy, generosity, sincerity, courage, frankness, honesty, patriotism, industry, and service were the qualities of his character most frequently mentioned. "It can truthfully be said," according to the resolutions which were adopted, that during "the many years which he gave to the service of his country, in the turmoil of war, and in the halls of legislation, he evinced a courage, an ability and concentration of thought and purpose that entitles him to the gratitude and consideration of his generation, and a permanent place in the history of his state."[489]

To his comrades in the Grand Army of the Republic the death of Colonel Hepburn meant the loss of "an honest, upright and conscientious man, who had positive convictions and the strength of character to stand by them," even if he was obliged to stand alone, a statesman who "not only gave his service to his country in time of its greatest need, but gave the best

part of his life to the service of his country in shaping its legislation in the interest of the whole nation", and a comrade to whom old soldiers owed "a debt of gratitude to honor his name for his interest in all legislation that would be helpful to his old comrades."[490]

The members of the Committee on Interstate and Foreign Commerce, over whose deliberations he presided "with dignity, impartiality and ability" felt a personal grief at the death of their colleague who had "left his impress upon the legislation and lives of his fellow men as few men have ever done in the history of the world."[491]

What James S. Clarkson characterized as "the truest, ablest and most sufficient tribute" to Colonel Hepburn—"a faithful portraiture of the man, his temperament and his character and personal attractions as well as his great ability"—was delivered in Congress by Horace M. Towner. Colonel Hepburn, he said, was "a heroic figure. He belonged to a heroic age" and was "a typical representative of that period, stalwart, heroic, titanic. There was nothing little about him, either physically or mentally. He was intolerant of the narrow view. He had no patience with the meannesses of life. He could not abide that attitude of mind, which has no outlook higher than personal advantage. He was subject to easy disparagement because

he was contemptuous of criticism. He suffered defeat rather than subject himself to the humiliation of an explanation. He had none of the arts of the demagogue. If men supported him, it was because of his sterling worth". Devotedly, heroically, and passionately loyal to his party, to his country, and to his convictions "Pete" Hepburn will be remembered as an American pioneer, soldier, lawyer, and statesman.[492]

NOTES AND REFERENCES

NOTES AND REFERENCES

CHAPTER I

[1] William Peters Hepburn was named in honor of William Peters, an uncle by marriage to Marcia Catlett.

[2] Hildreth's *Dragoon Campaigns to the Rocky Mountains,* p. 18; Howe's *Historical Collections of Ohio,* Vol. I, p. 464.

[3] Letter from Margaret Hepburn Chamberlain to Benj. F. Shambaugh, dated September 23, 1917; Heitman's *Historical Register and Dictionary of the United States Army,* 1789–1903, Vol. I, p. 525; Cullom's *Biographical Register of the Officers and Graduates of the United States Military Academy,* Vol. I, p. 192; memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

The memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain consists of some manuscript notes containing much information on the ancestry and boyhood of William P. Hepburn, written by his wife and daughter at the request of the Superintendent of The State Historical Society of Iowa.

[4] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain; *The Virginia Magazine of History and Biography,* Vol. IX, p. 207.

[5] McLaughlin's *Matthew Lyon, The Hampden of Congress,* pp. 29, 38, 82, 113, 175, 194, 195, 205, 206, 207, 375, 473; *A Biographical Congressional Directory,* 1774–1903, p. 663.

It has been asserted that to Matthew Lyon belongs the distinction of being the only man elected to Congress from three different jurisdictions.

As a descendant of Matthew Lyon, W. P. Hepburn was eligible to membership in the Society of Sons of the American Revolution; and he was elected to membership in the Iowa Society on September 5, 1893.— *A National Register of the Society of Sons of the American Revolution,* pp. 357, 363; *The Iowa Journal of History and Politics,* Vol. II, p. 191.

[6] Appleton's *Cyclopaedia of American Biography,* Vol. IV, pp. 4, 5.

[7] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain; *The Sioux City Journal,* September 20, 1908; Shambaugh's *Constitution and Records of the Claim Association of Johnson County,* pp. 168, 169.

[8] *The Sioux City Journal,* September 20, 1908; Address to the Pioneer Lawmakers' Association in the *Iowa House Journal,* 1915, p. 825.

[9] George S. Hampton was one of the early settlers in the vicinity of Iowa City. Honored and respected as a man, he became one of the leading citizens of Johnson County. His name is recorded as a licensed Baptist preacher, the first junior warden of Iowa City Lodge No. 4, A. F. & A. M., secretary of the Constitutional Convention of 1844, district prosecuting attorney, regent of the Iowa City University, one of the organizers of the Iowa State Agricultural Society, and clerk of the Supreme Court for a number of years.— Aurner's *Leading Events in Johnson County History,* Vol. I, pp. 135, 243, 361, 620; *The Annals of Iowa* (First Series), Vol. VI, pp. 196, 312; Aurner's *History of Education in Iowa,* Vol. III, p. 393, Vol. IV, p. 412.

[10] Shambaugh's *Constitution and Records of the Claim Association of Johnson County,* pp. 91, 188, 191.

[11] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

[12] *The Sioux City Journal,* September 20, 1908.

[13] Papers of the Mechanics' Academy, in the possession of

The State Historical Society of Iowa; *The Sioux City Journal,* September 20, 1908; Aurner's *History of Education in Iowa,* Vol. III, p. 392.

[14] *The Sioux City Journal,* November 9, 1913.

Dr. William Reynolds was the first Superintendent of Public Instruction in the Territory of Iowa.

Hepburn always regarded Senator James Harlan as one of the great builders of the West. In the contest between Harlan and Allison for a place in the Senate, Hepburn worked for his favorite; and he thought that if Harlan could have been seated he would have become a world figure ranking with Gladstone. As the "most learned man" he had ever met, James Harlan became Hepburn's ideal statesman.— *The Creston Advertiser-Gazette,* September 16, 1904.

[15] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain; Aurner's *Leading Events in Johnson County History,* Vol. I, p. 616.

The story is told that when William P. Hepburn in 1907 requested the Department of State to issue him passports for a trip to Europe the papers were made out to "Hon. Pete Hepburn" by a clerk who had never heard his true name.

[16] *The Sioux City Journal,* November 9, 1913.

CHAPTER II

[17] M. J. Morsman was a physician who came to Iowa City from Castalia, Ohio, in 1845. In Iowa City he owned a drug store and practiced his profession. For many years he was a prominent citizen serving on the Johnson County board of supervisors and as vice president of the board of trustees of the State University of Iowa. He was mayor of Iowa City in 1859 and president of The State Historical Society of Iowa in 1869.— Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain; *Daily Evening Reporter* (Iowa City), June 26, 1856; *The Annals of Iowa* (First Series), Vol. VI, p. 213; *Minutes of Annual Meetings of The State Historical Society,* December 1, 1868, and December 7, 1869.

[18] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

[19] *The Sioux City Journal,* November 9, 1913; *A Biographical Congressional Directory,* 1774–1903, p. 593; newspaper clipping 19 in the Hepburn papers. The extended article in *The Sioux City Journal,* November 9, 1913, was written by Fred Davis in commemoration of William P. Hepburn's eightieth birthday. The data was furnished by Mr. Hepburn.

The only academic recognition received by William P. Hepburn in later life was on June 16, 1904, when the honorary degree of Doctor of Laws was conferred upon him by Cornell College (Iowa).— *The Fiftieth Anniversary of the Founding of Cornell College,* 1903, p. 294.

[20] *The Sioux City Journal,* November 9, 1913.

[21] *Kansas Historical Collections,* Vol. XIII, p. 269; *New York Semi-Weekly Tribune,* February 26, 1856; *The Sioux City Journal,* November 9, 1913; memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

[22] Letter to Melvina A. Morsman, dated September 18, 1853; *The Sioux City Journal,* November 9, 1913.

[23] Letter to Melvina A. Morsman, dated January 8, 1854.

[24] Higgins, Beckwith, and Strother was one of the most reliable law firms in Chicago. The offices were on the second floor of a building at 16 Dearborn Street. Both Mr. Higgins and Mr. Beckwith became judges, and Corydon Beckwith was for many years general solicitor of the Chicago and Alton Railroad. — *Chicago Directory,* 1855–1856; *The Sioux City Journal,* November 9, 1913.

[25] Letter to Melvina A. Morsman, dated September 21, 1854.

[26] Letter to Melvina A. Morsman, dated November 7, 1854; *The Sioux City Journal,* November 9, 1913.

Melvina A. Morsman entered the Methodist school at Mount Vernon, now Cornell College, about the same time that Hepburn went to Chicago. She had previously been enrolled in the pri-

vate schools of Iowa City. When the State University of Iowa was opened in the spring of 1855 Miss Morsman was among the first students, attending classes in the building that had housed the Mechanics' Academy.— Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

[27] *Hamilton Freeman* (Webster City), October 8, 1858; *The Sioux City Journal*, September 20, 1908; *Record of Naturalization*, 1855–1857, pp. 13, 26, in the office of County Clerk of Johnson County; *Supreme Court Record "B"* (Iowa), p. 397.

[28] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

On October 4, 1855, William P. Hepburn took his first degree in Masonry; he was passed to the second degree two days later; and became a Master Mason on November 17, 1855. On June 23, 1856, he demitted from the Iowa City lodge and became a charter member of Marshalltown Lodge No. 108, from which he demitted and became affiliated with Nodaway Lodge No. 140 at Clarinda, Iowa, February 16, 1883. He received the Scottish Rite Degrees in the Bodies at Des Moines, September 21 to 24, 1897. On December 27, 1901, he was coroneted 33° Honorary Inspector General by the Supreme Council at Washington, D. C.— Obituary letter by Henry Clark Alverson, Sovereign Grand Inspector General, to the Iowa Bodies of Scottish Rite Masons; Records of Iowa City Lodge No. 4, A. F. & A. M., in the Masonic Temple at Iowa City.

CHAPTER III

[29] *The Annals of Iowa* (First Series), Vol. II, p. 311; memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

Immediately after their wedding Mr. and Mrs. Hepburn drove with horses and carriage from Iowa City to Decorah. Never had they seen such perfect weather; never to them had there been a brighter autumn. At Decorah, where a land office had just been established, they hoped to find an opening for a lawyer, but when they arrived the town was so full of

land-seekers that not even a room was available in which they might live. Shortly after their return to Iowa City came the opportunity to settle in Marshalltown.

[30] Chapman's *Out Where the West Begins,* p. 1.

[31] Eight hundred dollars was the amount obtained from the sale of this land.— *The Sioux City Journal,* September 20, 1908.

[32] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

[33] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain; *The Sioux City Journal,* November 9, 1913.

[34] *Iowa City Republican* (Daily), June 11 and 19, 1856; *The Annals of Iowa* (Third Series), Vol. XI, p. 240; *Iowa City Directory and Advertiser,* 1857, p. 8.

William Bremner married Catherine Hampton and became Hepburn's brother-in-law, May 24, 1860.— *Marshalltown Times-Republican,* August 30, 1911.

[35] Memoranda by Mrs. William P. Hepburn and Margaret Hepburn Chamberlain.

CHAPTER IV

[36] *The Iowa Journal of History and Politics,* Vol. IV, pp. 487, 488, 494, 500, 508.

[37] In a letter to Thomas E. Powers, dated February 21, 1912, Hepburn declared that he was present at the first State Republican convention in Iowa.

[38] *The Iowa Journal of History and Politics,* Vol. IV, pp. 509, 512, 521, 522; Clark's *Samuel Jordan Kirkwood,* p. 88.

[39] *The Iowa Journal of History and Politics,* Vol. IV, p. 507; *New York Semi-Weekly Tribune,* February 26, 1856.

[40] Letter to Thomas E. Powers, dated February 21, 1912; *Constitution of Iowa,* 1846, Art. VI, Sec. 5; *Code of 1851,*

Secs. 163, 165, 169, 211, 239; *A Biographical Congressional Directory*, 1774–1903, p. 593; *The Iowa State Almanac*, 1860, p. 26.

[41] *Marietta Weekly Express*, April 21 and May 12, 1858; letter to Mrs. William P. Hepburn, dated February 7, 1858.

[42] *Iowa House Journal*, 1856–1857, p. 8; *The Iowa State Almanac*, 1860, pp. 21, 22, 23.

Hepburn's majority of twenty-two votes was the largest received by any of the permanent officers of the House of Representatives in the Sixth General Assembly.—*Iowa House Journal*, 1856–1857, pp. 7–11.

[43] *Hamilton Freeman* (Webster City), October 8, 1858.

[44] *Iowa House Journal*, 1858, pp. 3, 6, 77; *The Creston Advertiser-Gazette*, September 16, 1904; letter to Mrs. William P. Hepburn, dated January 16, 1858.

[45] Letter to Mrs. William P. Hepburn, dated January 19, 1858.

In the Marshall County Republican convention, held in Marshalltown on June 1, 1858, Hepburn was placed on the committee to report resolutions as well as being selected a member of the county central committee and a delegate to the State and Congressional conventions in Iowa City the seventeenth and eighteenth of June. He acted as secretary of the Congressional convention and temporary assistant secretary of the State convention.—*Marietta Weekly Express*, June 9, 1858; *Iowa Weekly Republican* (Iowa City), June 23, 1858.

CHAPTER V

[46] Battin and Moscrip's *Past and Present of Marshall County, Iowa*, Vol. I, p. 136; *Iowa House Journal*, 1858, pp. 577, 578.

[47] *Marietta Weekly Express*, March 10, 1858; Battin and Moscrip's *Past and Present of Marshall County, Iowa*, Vol. I, pp. 135, 137, 138.

[48] Letter to Mrs. William P. Hepburn, dated January 19, 1858; *Iowa House Journal*, 1858, pp. 626, 627.

[49] *The Annals of Iowa* (First Series), Vol. IX, p. 545; Battin and Moscrip's *Past and Present of Marshall County, Iowa*, Vol. I, p. 140; *Marietta Weekly Express*, March 10, 17, and 24, 1858.

[50] Battin and Moscrip's *Past and Present of Marshall County, Iowa*, Vol. I, p. 140; *Marietta Weekly Express*, April 28, 1858.

[51] *Marietta Weekly Express*, May 12, 1858.

[52] The State *ex rel.* Rice *v.* the County Judge of Marshall County, 7 Iowa 186, at 194, 199.

This was probably Hepburn's first case before the Supreme Court of Iowa.

[53] Battin and Moscrip's *Past and Present of Marshall County, Iowa*, Vol. I, pp. 141, 142, 143, 144; *The Marshall County Times* (Marshalltown), March 30, 1859.

[54] *The Annals of Iowa* (First Series), Vol. IX, pp. 589, 590; *Marietta Weekly Express*, January 19 and 26, 1859.

[55] Battin and Moscrip's *Past and Present of Marshall County, Iowa*, Vol. I, pp. 145, 147, 151; The State *ex rel.* Rice *v.* William C. Smith, County Judge, 9 Iowa 334; Rice *v.* Smith, County Judge, and Dishon, 9 Iowa 570.

CHAPTER VI

[56] The Seventh General Assembly divided the State into eleven judicial districts. The counties of Hardin, Franklin, Hamilton, Wright, Hancock, Winnebago, Webster, Marshall, Story, Cerro Gordo, Worth, and Boone constituted the eleventh district.— *Laws of Iowa*, 1858, pp. 186, 187.

[57] *Hamilton Freeman* (Webster City), August 20, 1858.

[58] *Hamilton Freeman* (Webster City), August 20 and September 10, 1858.

[59] *Hamilton Freeman* (Webster City), September 17, 1858; *Boone County News* (Boonsboro), October 1, 1858; Goldthwait's *History of Boone County, Iowa,* Vol. II, p. 428.

[60] Kirkwood and Butler were not present at all of the meetings.— *Boone County News* (Boonsboro), October 8, 1858.

[61] *Boone County News* (Boonsboro), September 17 and October 8, 1858; *Hamilton Freeman* (Webster City), October 1 and 8, 1858.

[62] *The Iowa State Almanac,* 1860, p. 48; *Laws of Iowa,* 1858, pp. 201–203; Peterson's *Selection of Public Officials in Iowa* in the *Iowa Applied History Series,* Vol. II, p. 337.

[63] In 1859 there was no county in the eleventh judicial district of Iowa which had a population of more than six thousand, while five counties contained less than one thousand inhabitants.— *The Iowa State Almanac,* 1860, pp. 25, 26.

[64] *The Sioux City Journal,* November 9, 1913; *The Marshall County Times* (Marshalltown), May 11, 1859.

[65] *The Iowa Citizen* (Des Moines), June 29, 1859; *The Annals of Iowa* (Third Series), Vol. VIII, p. 217.

[66] *The Annals of Iowa* (Third Series), Vol. IX, pp. 256–261; Shambaugh's *Messages and Proclamations of the Governors of Iowa,* Vol. II, pp. 235, 236.

[67] Mr. Hepburn was elected temporary Chief Clerk of the House of Representatives in the Eighth General Assembly.— *Iowa House Journal,* 1860, p. 3.

[68] Letter to Mrs. William P. Hepburn, dated January 9, 1860; *The Annals of Iowa* (Third Series), Vol. IX, pp. 402, 403, 404, 415, 418, 419.

[69] Ray's *The Convention that Nominated Lincoln,* pp. 16, 19, 29–33; *Proceedings of the First Three Republican National Conventions,* pp. 149, 154, 174; *The Iowa State Register* (Des Moines), May 23, 1860.

[70] Ray's *The Convention that Nominated Lincoln,* p. 35;

swamp land contracts in the Hepburn papers; letter to Mrs. William P. Hepburn, dated August 24, 1863; memoranda by Mrs. William P. Hepburn.

From Governor Kirkwood, Hepburn carried a letter of introduction endorsing his agency to influential men in Washington. A year later Kirkwood recommended that, inasmuch as the United States would "probably recognize only the agent or agents of the State" in the settlement of the swamp land question, such persons should be appointed.— Letter from J. S. Wilson to James Harlan, dated February 25, 1861; Shambaugh's *Messages and Proclamations of the Governors of Iowa,* Vol. II, p. 294.

CHAPTER VII

[71] *War of the Rebellion: Official Records,* Series III, Vol. I, pp. 55, 57, 127, 128; Clark's *Samuel Jordan Kirkwood,* pp. 184, 185; *The South-Tier Democrat* (Corydon), April 17, 1861.

[72] *The Sioux City Journal,* November 9, 1913; memoranda by Mrs. William P. Hepburn.

[73] *The Sioux City Journal,* November 9, 1913; letter from N. B. Baker, dated July 30, 1861.

Governor Kirkwood was notified on July 24, 1861, that an additional regiment of cavalry would be accepted from Iowa. The Second Iowa Volunteer Cavalry was ordered to rendezvous at Davenport, and the colonel was to be appointed by the War Department. Captain Hepburn's company was the second to be accepted for the regiment.— *War of the Rebellion: Official Records,* Series III, Vol. I, p. 346. See also *Report of the Adjutant General of Iowa,* 1861, pp. 380–408.

[74] *The Sioux City Journal,* September 20, 1908, November 9, 1913; freight bill of the Mississippi and Missouri Railroad, dated August 15, 1861, in the Hepburn papers.

[75] Company B was mustered into the United States service on August 31, 1861, by Captain Alexander Chambers.— See certificate of rejections from Company B, Second Iowa Cavalry, in the Hepburn papers.

[76] Letters to Mrs. William P. Hepburn, dated August 20 and 23, 1861; Pierce's *History of the Second Iowa Cavalry,* p. 10; *Report of the Adjutant General of Iowa,* 1861, p. 385.

[77] Letters to Mrs. William P. Hepburn, dated August 30 and September 4, 1861; *Roster and Record of Iowa Soldiers in the War of the Rebellion,* Vol. IV, p. 235; Pierce's *History of the Second Iowa Cavalry,* p. 10.

[78] *The Sioux City Journal,* November 9, 1913; *Roster and Record of Iowa Soldiers in the War of the Rebellion,* Vol. IV, p. 215.

[79] Pierce's *History of the Second Iowa Cavalry,* pp. 10, 11.

[80] At St. Louis the officers were quartered outside of the camp lines, so that it was possible for Mrs. Hepburn to be with her husband. She had been present also when the regiment was in camp at Davenport.—Letter from M. S. Hazard, dated October 18, 1861; letters to Mrs. William P. Hepburn, dated December 17, 1861, and February 20, 1862.

[81] Letter to Mrs. William P. Hepburn, dated December 17, 1861; invoices of ordnance issued to William P. Hepburn, dated December 14, 1861, February 11 and April 23, 1862, in the Hepburn papers; Special Orders, No. 107, issued by order of W. T. Sherman on December 30, 1861, in the Hepburn papers.

CHAPTER VIII

[82] Letters to Mrs. William P. Hepburn, dated February 20 and March 7, 1862; Pierce's *History of the Second Iowa Cavalry,* pp. 12, 13.

[83] *War of the Rebellion: Official Records,* Series I, Vol. VIII, p. 95; Pierce's *History of the Second Iowa Cavalry,* pp. 13, 14; letters to Mrs. William P. Hepburn, dated March 7 and 9, 1862.

[84] Force's *From Fort Henry to Corinth,* pp. 67, 73; *War of the Rebellion: Official Records,* Series I, Vol. VIII, pp. 79, 80, 82, 94; letter to Mrs. William P. Hepburn, dated March 22, 1862.

[85] Force's *From Fort Henry to Corinth*, p. 69; *War of the Rebellion: Official Records*, Series I, Vol. VIII, pp. 82, 83, 606; Pierce's *History of the Second Iowa Cavalry*, p. 15; letters to Mrs. William P. Hepburn, dated March 12 and 14, 1862.

[86] Letter to Mrs. William P. Hepburn, dated March 22, 1862.

[87] Letters to Mrs. William P. Hepburn, dated March 18, 27, and 30, 1862.

[88] *War of the Rebellion: Official Records*, Series I, Vol. VIII, pp. 86, 87, 88. See also *Memoranda on the Civil War*, by J. W. Bissell, commander of the regiment of engineers which built the canal, in *The Century Magazine* (New Series), Vol. VIII, pp. 324–327.

[89] Letter to Mrs. William P. Hepburn, dated April 11, 1862; Pierce's *History of the Second Iowa Cavalry*, p. 16; *War of the Rebellion: Official Records*, Series I, Vol. VIII, pp. 118, 119.

[90] Letter to Mrs. William P. Hepburn, dated April 11, 1862.

CHAPTER IX

[91] Letter to Mrs. William P. Hepburn, dated April 21, 1862; Rhodes's *History of the United States, 1850–1877*, Vol. III, pp. 625, 628.

[92] Sometime in May stories of Hepburn's "arrest", "drunkenness", and threatened "dismissal from service" were current in Iowa City arising, he explained, from charges that on the evening of the twelfth of April he had been intoxicated, had used abusive language to Lieutenant Samuel Foster, and had treated Brigadier General Schuyler Hamilton and Colonel Nicholas Perczel with disrespect. These accusations, however, were repudiated by both Hamilton and Perczel so emphatically that the whole affair was made to appear a conspiracy of jealous subordinates.— Letter to Mrs. William P. Hepburn, dated June 26, 1862.

[93] Letters to Mrs. William P. Hepburn, dated April 18 and May 2, 1862. That Grant was to blame for the appalling loss

of life in the battle of Shiloh was the general opinion throughout the North and especially in the Western States whence came most of the regiments engaged. It was Hepburn's opinion that only the "Providential death" of General Albert S. Johnston saved the Union army from annihilation.— Letter to Mrs. William P. Hepburn, dated May 2, 1862.

[94] The cavalry troops of the Army of the Mississippi during the siege of Corinth consisted of the Seventh Illinois, the Second Iowa, and the Second and Third Michigan regiments. The Second Iowa Cavalry and the Second Michigan Cavalry were brigaded together, first under Colonel W. L. Elliott and later under Colonel P. H. Sheridan.— *War of the Rebellion: Official Records*, Series I, Vol. X, Pt. 1, p. 799, Pt. 2, p. 187, Vol. XVII, p. 17.

[95] *War of the Rebellion: Official Records*, Series I, Vol. X, Pt. 1, pp. 727, 734.

[96] Letter to Mrs. William P. Hepburn, dated April 24, 1862.

[97] Between April 22nd and May 9th the Second Iowa Cavalry participated in several reconnoissances. Colonel Elliott placed Hepburn and his battalion at the head of a column that was pushed out to a new position on the Corinth road on April 24th; for several days following the Second Iowa "was continually scouring the country toward Monterey." On April 29th the regiment made a reconnoissance in force which drove the enemy from Monterey, Hepburn leading the charge upon the rebel camp. Four days later the whole regiment under Lieutenant Colonel Hatch made a raid through the Confederate lines, cut the enemy's communication with Corinth on the Memphis and Charleston Railroad, and captured four prisoners and ten mules. In the skirmishes on May 8th the enemy was found in large force at almost every point, which indicated that Beauregard was preparing for battle.— *War of the Rebellion: Official Records*, Series I, Vol. X, Pt. 1, pp. 727, 728, 808; letters to Mrs. William P. Hepburn, dated April 24 and May 2, 1862.

[98] *War of the Rebellion: Official Records*, Series I, Vol. X,

Pt. 1, pp. 729, 736, 737, 804, 805, 811; *The Annals of Iowa* (Third Series), Vol. VI, pp. 444–446; letter to Mrs. William P. Hepburn, dated May 10, 1862.

[99] Letter to Mrs. William P. Hepburn, dated May 10, 1862; Pierce's *History of the Second Iowa Cavalry*, p. 23.

[100] Letters to Mrs. William P. Hepburn, dated May 12 and 20, 1862; *Personal Memoirs of P. H. Sheridan*, Vol. I, pp. 141, 153.

[101] The fighting around Corinth in the latter part of May was, in some phases, not unlike the trench warfare in the World War. "Our entrenchments", wrote Hepburn, "occupy a continuous line of thirteen and one-quarter miles — well built — and in many places presenting double lines. Behind these entrenchments are mounted Three Hundred and Seventy guns — ranging from the light field six pounder to the mammoth hundred pound Parrott, the range of which is known to be not less than Seven Thousand yards."— Letter to Mrs. William P. Hepburn, dated May 27, 1862.

[102] While part of the Second Iowa Cavalry was burning the train and tearing up the tracks at Booneville, Hepburn's battalion was held in reserve as a protection against enemy cavalry.— *War of the Rebellion: Official Records*, Series I, Vol. X, Pt. 1, p. 864.

[103] *War of the Rebellion: Official Records*, Series I, Vol. X, Pt. 1, pp. 731, 774, 862–865; letter to Mrs. William P. Hepburn, dated June 1, 1862.

[104] Letter to Mrs. William P. Hepburn, dated July 12, 1862.

[105] Letter to Mrs. William P. Hepburn, dated June 7, 1862.

[106] Letter to Mrs. William P. Hepburn, dated June 17, 1862; application by William P. Hepburn for thirty days leave of absence from military duty, dated June 15, 1862, in the Hepburn papers.

CHAPTER X

[107] Letters to Mrs. William P. Hepburn, dated May 14, 20, and 27, and June 17, 1862.

Major Hepburn stated in his request for a leave of absence that his presence in Iowa was necessary to "procure a comfortable home for his wife and children" and to appear as plaintiff in a law suit "involving the title to 160 acres of valuable land" which if not successfully maintained would cause him "considerable pecuniary loss." Having been of the opinion when he enlisted that the war would end in less than a year he had "failed to put his business matters in such shape as he would have done, had he supposed his services would have been needed for a longer period than a twelvemonth".— Application by William P. Hepburn for thirty days leave of absence from military duty, dated June 15, 1862, in the Hepburn papers.

[108] Letters to Mrs. William P. Hepburn, dated June 17 and 26, 1862.

[109] *Personal Memoirs of P. H. Sheridan,* Vol. I, p. 153; letters to Mrs. William P. Hepburn, dated July 7 and 30, 1862; *War of the Rebellion: Official Records,* Series I, Vol. XVII, pp. 17–20.

[110] Letter to Mrs. William P. Hepburn, dated July 12, 1862.

[111] Letters to Mrs. William P. Hepburn, dated July 17, 24, and 25, 1862.

[112] *Kirkwood Military Letter Book,* No. 2, p. 324; *War of the Rebellion: Official Records,* Series I, Vol. XX, Pt. 2, p. 94; letter to Mrs. William P. Hepburn, dated November 17, 1862.

[113] Letter to Mrs. William P. Hepburn, dated July 30, 1862; letter to Samuel J. Kirkwood, dated August 13, 1862; letter from G. Granger to Samuel J. Kirkwood, endorsed by D. S. Stanley and W. S. Rosecrans, dated August 12, 1862; letter from P. H. Sheridan to Samuel J. Kirkwood, dated August 12, 1862; letter from Datus E. Coon to Samuel J. Kirkwood,

dated August 12, 1862; letter from C. G. Trusdell to Samuel J. Kirkwood, dated August 9, 1862; letter from Charles P. Moore to Samuel J. Kirkwood, dated August 12, 1862; letter from Paul A. Queal to Samuel J. Kirkwood, dated August 12, 1862; letter from William C. Russell to Samuel J. Kirkwood, dated August 13, 1862.

[114] Letters to Mrs. William P. Hepburn, dated August 24 and September 5, 1862.

Major Hepburn shared the belief of other army men that Governor Kirkwood was making military appointments for political purposes. "He ought to remember", wrote Hepburn to his wife, "that at this moment there is a latent treason in the hearts of the men composing the army more terrible to the interests of the Republic than that of Jeff Davis and his coadjutors. There is no doubt but that the question of a military Dictatorship is being generally discussed by military men, and there is no disguising the fact that there is a growing feeling in favor of pursuing such a course as will entirely destroy the influence and power of the demagogues at home . . . . The only hesitation or question is 'Who is the man' — a question that is asked a thousand times every day."— Letter to Mrs. William P. Hepburn, dated September 5, 1862.

[115] Letters to Mrs. William P. Hepburn, dated August 15 and 28, and September 2, 1862.

[116] Hosmer's *The Appeal to Arms,* pp. 222, 223; *War of the Rebellion: Official Records,* Series I, Vol. XVI, Pt. 2, pp. 417, 482.

Hepburn always retained the admiration and respect for Rosecrans that he felt upon their first acquaintance. "I sometimes grow restive", he said years after the war, "under the unjust criticism, born of unfair comparison, that has been meted out to Gen. Rosecrans, working to him a cruel injustice . . . . among all of the great men whose names adorn our history there is not one more justly entitled to the loving reverence and the earnest admiration of the patriot, than he whose fortune it was to *lose* the battle of Chickamauga but

whose fortune it was to write himself upon the recognition of all who knew him, as the friend of his troops, the friend of his country, the friend of his race — wise in the council — heroic on the field.''— Memorial Day address in the Hepburn papers.

117 Special Orders, No. 47, issued by order of Gordon Granger, September 6, 1862, in the Hepburn papers; letters to Mrs. William P. Hepburn, dated September 10 and 17, 1862.

118 When the Confederates were driven from Iuka a slave described as being ''six feet in height, *Black* and twenty two years of age'' was set free and became Major Hepburn's body servant. He assumed the name of Peter Hepburn.— A proclamation emancipating Peter Hepburn, issued by order of W. S. Rosecrans on July 7, 1863, in the Hepburn papers.

119 *War of the Rebellion: Official Records,* Series I, Vol. XVI, Pt. 2, p. 783, Vol. XVII, pp. 166–170; *Iowa Historical Record,* Vol. III, pp. 543–552; letters to Mrs. William P. Hepburn, dated September 17, 21, and 22, and October 4, 1862.

The excitement of the battle of Corinth cured Major Hepburn of an attack of ague, although it left him very weak.— Letter to Mrs. William P. Hepburn, dated October 4, 1862.

120 *War of the Rebellion: Official Records,* Series I, Vol. XVI, Pt. 2, pp. 641, 642, 654, 655; letters to Mrs. William P. Hepburn, dated September 24 and November 8 and 10, 1862.

121 *War of the Rebellion: Official Records,* Series I, Vol. XX, Pt. 2, p. 94; letters to Mrs. William P. Hepburn, dated November 17 and December 19, 1862.

122 Letters to Mrs. William P. Hepburn, dated December 9, 1862, February 10 and April 24, 1863; Special Orders, No. 39, issued by command of Major General Rosecrans, February 8, 1863, in the Hepburn papers; Special Field Orders, No. 77, issued by command of Major General Rosecrans on March 21, 1863, in the Hepburn papers.

As a result of hard riding and exposure Hepburn was ill from Christmas, 1862, until nearly the first of February, 1863. He was not present at the battle of Murfreesboro where the

mortality of officers was unusually great.— Letter to Mrs. William P. Hepburn, dated January 4, 1863.

[123] Letters from Claus C. Ruus, dated December 10, 1862, and March 3, 1863; letter from John V. McDuffie, dated January 24, 1863; letter to Mrs. William P. Hepburn, dated June 21, 1863; *War of the Rebellion: Official Records,* Series I, Vol. XXIII, Pt. 2, p. 530.

CHAPTER XI

[124] Between the time he left Nashville and the date when he reported at regimental headquarters at La Grange, Tennessee, Hepburn made a brief visit to Iowa. It was the first time he had been home since he enlisted two years before.— Letter to Mrs. William P. Hepburn, dated August 4, 1863.

[125] Letter to Mrs. William P. Hepburn, dated August 4, 1863; *War of the Rebellion: Official Records,* Series I, Vol. XXX, Pt. 3, p. 664.

When Hepburn reported for duty the Second Iowa Cavalry together with the Third Michigan and First West Tennessee cavalry regiments constituted the Second Brigade in the cavalry division of the Sixteenth Army Corps. On August 20th the Second Iowa Cavalry was brigaded with the Fourth, Sixth, and Seventh Illinois cavalry regiments and the Third United States Battalion to form the Third Brigade, Colonel Edward Hatch commanding. Major General Stephen A. Hurlbut commanded the Sixteenth Army Corps with headquarters at Memphis, Tennessee, and the cavalry division was under Brigadier General Benjamin H. Grierson.— *War of the Rebellion: Official Records,* Series I, Vol. XXIV, Pt. 3, pp. 454–456, Vol. XXX, Pt. 3, pp. 82, 83.

[126] Letters to Mrs. William P. Hepburn, dated August 4 and 16, 1863.

[127] Letters to Mrs. William P. Hepburn, dated August 24, September 14, and October 8, 1863.

[128] Colonel Hatch was at this time in command of a cavalry

division and Hepburn was the ranking officer in his brigade.— Letter to Mrs. William P. Hepburn, dated October 8, 1863.

[129] Letter to Mrs. William P. Hepburn, dated October 8, 1863; Pierce's *History of the Second Iowa Cavalry*, pp. 68–72; *War of the Rebellion: Official Records*, Series I, Vol. XXXI, Pt. 1, pp. 244–246, 248, 249.

[130] Pierce's *History of the Second Iowa Cavalry*, pp. 73–80; *War of the Rebellion: Official Records*, Series II, Vol. VI, p. 531; Special Orders, Nos. 4 and 31, issued January 4 and 27, 1864, by order of S. A. Hurlbut, in the Hepburn papers.

[131] A manuscript account of the Meridian expedition, by William Sooy Smith, pp. 2, 4, 6, 8, 11, 12, in the Hepburn papers; *War of the Rebellion: Official Records*, Series I, Vol. XXXII, Pt. 1, pp. 193, 194, 252, 253, 290–293.

The Second Brigade consisted of the Second Iowa Cavalry, the Sixth, Seventh, and Ninth Illinois cavalry regiments, Battery K of the First Illinois Light Artillery, and two companies of the pioneer corps — in all twenty-nine hundred strong.— *War of the Rebellion: Official Records*, Series I, Vol. XXXII, Pt. 1, p. 290.

[132] *War of the Rebellion: Official Records*, Series I, Vol. XXXII, Pt. 1, pp. 258, 259; Pierce's *History of the Second Iowa Cavalry*, p. 87.

[133] *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. IV, pp. 228, 235; *Report of the Adjutant General of Iowa*, 1864–1865, p. 215; Pierce's *History of the Second Iowa Cavalry*, pp. 92, 95; *War of the Rebellion: Official Records*, Series I, Vol. XXXII, Pt. 1, pp. 581, 582, Pt. 3, pp. 285, 346, 347, 487, 566, Series II, Vol. VII, p. 716; letters to Mrs. William P. Hepburn, dated April 9 and 15, 1864; letter from Claus C. Ruus to Mrs. William P. Hepburn, dated April 2, 1864; Special Orders, No. 59, issued March 24, 1864, by order of B. H. Grierson, in the Hepburn papers; Special Orders, No. 2, issued April 25, 1864, No. 32, issued May 25, 1864, No. 42, issued June 4, 1864, No. 66, issued June 28,

1864, No. 92, issued July 25, 1864, by order of C. C. Washburn, in the Hepburn papers; a petition of the officers of the provisional cavalry regiment, dated May 16, 1864, in the Hepburn papers.

CHAPTER XII

[134] Memoranda by Mrs. William P. Hepburn; *The Sioux City Journal,* November 9, 1913; letter from Fannie Hepburn to Mrs. William P. Hepburn, dated December 6, 1864.

William P. Hepburn had two law partners in Memphis, B. A. Massey and Harry S. Lee. His immediate family at this time consisted of Mrs. Hepburn and three children — Edith aged eight, Frank aged six, and Margaret aged two. Another son, Charles, was born in 1868; and another daughter, Bertha, who died in infancy, was born in 1871.— Letter from B. A. Massey to W. C. Postal, dated March 26, 1865; business card of Hepburn and Lee in the Hepburn papers.

[135] Letter from C. G. Trusdell, dated July 27, 1865; letter from S. B. Beaumont, dated September 13, 1865.

[136] Letter from Mrs. William P. Hepburn, dated October 1, 1865; letters to Mrs. William P. Hepburn, dated October 15, 1865, and February 12, 1866.

[137] Letters to Mrs. William P. Hepburn, dated January 25, June 3, and September 18, 1866, and April 30, 1867.

[138] Letters to Mrs. William P. Hepburn, dated October 15, 1865, and November 24, 1866.

In November, 1865, and again in the spring of 1867 Hepburn thought of entering the ministry. He was restrained, however, by the dread of hardships which his family might suffer and a doubt of his own qualifications for that profession. — Letters to Mrs. William P. Hepburn, dated November 2 and 17, 1865; letter from Mrs. William P. Hepburn, dated March 23, 1867.

[139] Letter from Mrs. William P. Hepburn, dated May 3,

1867; *The Sioux City Journal,* November 9, 1913; *The Clarinda Journal,* February 24, 1916.

In 1867 Clarinda contained about seven hundred inhabitants. Within a few years Colonel Hepburn purchased the site he had admired the day he entered Clarinda for the first time, and upon it he built the house he called home the remainder of his life.— *The Sioux City Journal,* November 9, 1913.

140 In March, 1868, Hepburn leased his newspaper interests to W. E. Loy and in June, 1869, sold out to George H. Powers. — *History of Page County, Iowa* (Iowa Historical Company), p. 536.

141 *The Creston Advertiser-Gazette,* September 16, 1904; *Weekly Iowa State Register* (Des Moines), August 26, 1868; *History of Page County, Iowa* (Iowa Historical Company), pp. 742, 753.

Warren F. Thummel and Edith C. Hepburn were married on May 13, 1875.— *History of Page County, Iowa* (Iowa Historical Company), p. 753.

142 *The Sioux City Journal,* November 9, 1913; *The Clarinda Journal,* February 17, 1916; *Proceedings of the Iowa State Bar Association,* 1874–1881, pp. 40, 50, 61; *Scrap Book,* p. 8, in the Hepburn papers; see also the *Iowa Supreme Court Reports,* Vols. XXIX–LV.

143 It was during this period also that Colonel Hepburn exercised his inventive genius. On June 15, 1869, he obtained a patent upon a stove drum described as a number of hollow angular sections united to vertical sections arranged between the fire bed and the escape pipe for the products of combustion.— *Report of the Commissioner of Patents* in *Executive Documents,* 41st Congress, 2nd Session, Vol. II, p. 272, Vol. III, p. 664.

144 *Weekly Iowa State Register* (Des Moines), April 7, 1869; *History of Page County, Iowa* (Iowa Historical Company), pp. 406, 407, 408; receipt for railroad subscription and donation, dated June 26, 1872, in the Hepburn papers.

The town of Hepburn, Iowa, located on the old Brownville and Nodaway Valley Railroad, is the living evidence of the work and influence of Colonel Hepburn in bringing about the construction of the first railroad into Clarinda.

145 It is alleged that this was the only speech he ever read from manuscript. In pleading before juries and in addresses on the floor of the House of Representatives he was accustomed to speak from penciled notes jotted upon slips of paper. — *The Clarinda Journal,* February 24, 1916. The Hepburn papers contain a number of the Colonel's speeches in the form of notes.

146 *The Sioux City Journal,* November 9, 1913.

147 *Weekly Iowa State Register* (Des Moines), May 13 and 27, and October 21 and 28, 1868.

148 *The Marshall County Times* (Marshalltown), May 8, 1869; *Weekly Iowa State Register* (Des Moines), June 9, 1869.

149 *Weekly Iowa State Register* (Des Moines), June 8, 1870, and July 19 and August 9, 1872; *The Clarinda Herald,* February 7, 1905; clipping 65 in the Hepburn papers.

150 Haynes's *Third Party Movements,* pp. 28, 29; *Weekly Iowa State Register* (Des Moines), October 30, 1874, and June 2, 1876.

151 *Weekly Iowa State Register* (Des Moines), June 2 and November 3, 1876, and May 11, 1877; Appletons' *Cyclopaedia of American Biography,* Vol. III, p. 137.

CHAPTER XIII

152 *Mills County Republican,* August 20, 1880; *Weekly Iowa State Register* (Des Moines), dated March 26, April 9 and 23, and August 6, 1880; *Iowa Official Register,* 1915–1916, pp. 83, 847.

153 *The Clarinda Herald,* August 18, 1880.

154 *Lenox Time Table,* August 20, 1880; *Shenandoah Reporter,* August 20, 1880; *The Messenger* (Atlantic), August

21, 1880; *The Clarinda Herald,* August 18, 1880; *Emerson Chronicle,* August 20, 1880.

155 *Scrap Book,* pp. 10, 23, 24, in the Hepburn papers. Most of the material in this chapter is taken from newspaper clippings in a scrap book compiled by Miss Fannie Hepburn in 1880.

156 *Weekly Iowa State Register* (Des Moines), August 27, 1880; *Scrap Book,* pp. 8, 15, 20, 21, 28, 35, 47.

157 *Scrap Book,* pp. 15, 16, 33, 34, 39; Fairall's *Manual of Iowa Politics,* 1882, p. 50.

On August 25th Hepburn attended the Republican State convention and was responsible for the nomination of Smith McPherson as Attorney General of Iowa.— *Weekly Iowa State Register* (Des Moines), August 27, 1880.

According to the official returns Hepburn received 24,358 votes; the Democratic candidate, Robert Percival, ran second with 12,984; while H. C. Ayers, the Greenbacker, was credited with 5920.— Fairall's *Manual of Iowa Politics,* 1882, p. 50.

158 James A. Garfield was chief of staff under W. S. Rosecrans in 1863, while Hepburn was inspector of cavalry. General Rosecrans entered Congress for two terms at the same time Hepburn did. In 1902 Colonel Hepburn acted as chairman of the Congressional committee that attended the ceremonies on the occasion of the re-burial of General Rosecrans in Arlington Cemetery.— *Congressional Record,* 57th Congress, 1st Session, p. 3993.

159 Letter from William P. Hepburn, dated February 5, 1881; letter from Samuel J. Kirkwood, dated December 5, 1880; *Weekly Iowa State Register* (Des Moines), December 2, 1881; *Congressional Record,* 47th Congress, 1st Session, p. 9.

In June, 1881, William P. Hepburn was one of the committee to examine candidates for admission to the bar from the class of 1881 in the State University of Iowa.— Notice of appointment as law examiner, dated June 7, 1881, in the Hepburn papers.

When Colonel Hepburn entered Congress he resolved to devote his whole energy to the duties of his office. Although the law firm of Hepburn and Thummel continued to exist for a few years and the senior member was sometimes called upon for advice, he never allowed himself to be drawn into active practice.— *The Creston Advertiser-Gazette,* September 16, 1904; letters from Warren F. Thummel, dated January 2, 1883, and February 10, 1884.

CHAPTER XIV

160 *Congressional Record,* 47th Congress, 1st Session, pp. 5056, 5057.

161 As an example of Hepburn's attitude toward public economy his speech on January 8, 1887, may be cited. He opposed the erection of a $500,000 government building in Charleston, South Carolina, because a two million dollar custom house was already located in that city and because it seemed to be a bad policy to build permanent structures in a locality subject to earthquakes. He invited comparison of the situation in Charleston with the magnificent prospects of Sioux City where the United States had refused to erect a building. On other occasions he maintained the same position in respect to useless expenditures.— *Congressional Record,* 47th Congress, 2nd Session, p. 1468, 49th Congress, 1st Session, pp. 1408, 6302, 2nd Session, Appendix, pp. 21, 22.

162 *Congressional Record,* 47th Congress, 2nd Session, p. 3447, 48th Congress, 2nd Session, p. 1233.

In spite of two unjust provisions in the river and harbor bill of 1885 Hepburn promised to vote for the measure if, when put on its final passage, the bill provided for the construction of the Hennepin Canal. Years later he regretted that he had supported the Hennepin Canal. "I did it under pressure", he said. "The railway cry was being raised — everybody that was not in favor of the Hennepin Canal, in the estimate of certain orators and certain newspapers, was an enemy to the public welfare and was wedded to the cormorants.

I had not as much courage then as I ought to have had and I voted for it.''— *Congressional Record*, 48th Congress, 2nd Session, p. 1236, 59th Congress, 2nd Session, p. 2170.

[163] Paxson's *The New Nation*, p. 12; *Congressional Record*, 48th Congress, 1st Session, pp. 417, 418, 419.

[164] *Congressional Record*, 48th Congress, 2nd Session, pp. 1233, 1234.

[165] *Congressional Record*, 48th Congress, 2nd Session, pp. 1402, 1407, 1906, 1907, 1922. All of these amendments failed as a matter of course.

[166] *Congressional Record*, 48th Congress, 1st Session, p. 418, 2nd Session, pp. 1274, 2099.

[167] *Congressional Record*, 48th Congress, 2nd Session, pp. 1234, 1235.

[168] *Congressional Record*, 49th Congress, 1st Session, pp. 3526, 3527.

[169] *Congressional Record*, 49th Congress, 1st Session, p. 3655.

[170] If Colonel Hepburn was not the first to apply the term ''pork barrel'' to the river and harbor bill, there is some evidence to show that he was responsible for introducing it to popular usage. William J. Stone, of Missouri, in a speech on the river and harbor bill, May 6, 1886, referred to the phrase ''pork in the barrel'' as the ''classic language of the gentleman from Iowa [Mr. Hepburn]''.— *Congressional Record*, 49th Congress, 1st Session, p. 4246.

[171] *Congressional Record*, 49th Congress, 1st Session, pp. 3528, 3700.

[172] *Congressional Record*, 49th Congress, 1st Session, pp. 3950, 3951, 3953.

[173] *Congressional Record*, 49th Congress, 1st Session, pp. 3951, 3953.

[174] *Congressional Record*, 49th Congress, 2nd Session, pp. 968, 1055.

[175] The river and harbor bill "is a sort of comet in the congressional planetary system. . . . It dashes into Congress, and is attracted hither and thither; and to the last moment it is uncertain whether it will escape on its parabolic path, or collide with a disagreement of the Houses, or an executive veto."— Hart's *The Biography of a River and Harbor Bill* in the *Magazine of American History,* Vol. XVIII, pp. 52, 53.

[176] *Congressional Record,* 49th Congress, 2nd Session, pp. 968, 1056, 2331; Hart's *The Biography of a River and Harbor Bill* in the *Magazine of American History,* Vol. XVIII, pp. 56, 57.

[177] *Congressional Record,* 49th Congress, 2nd Session, pp. 1056, 1058, 2331, Appendix, p. 133.

Throughout the twenty-two years that Colonel Hepburn was in Congress his hostility to pork barrel legislation never abated. Year after year he protested with such regularity against the practice of wasting money on useless public improvements that the newspapers were accustomed to refer to Hepburn's "annual speech against the river and harbor bill". He was heartily in favor of proper river and harbor improvements; but he opposed the river and harbor bills because they were "not vehicles for the legitimate appropriation of money to conduct legitimate improvements of rivers and harbors," but were "measures constructed in such a way as, by favoritism, to secure the necessary number of votes to pass them in the House". When someone suggested that his opposition was due to the fact that there was "no pork in the barrel" for him, he introduced an amendment appropriating $55,000 — the pro rata share of his constituents — for the "removal and exclusion of water" from the highways of the Eighth Congressional District of Iowa.— *Congressional Record,* 53rd Congress, 2nd Session, pp. 4378, 4379, 4381, 55th Congress, 3rd Session, pp. 1354, 1398, 57th Congress, 1st Session, p. 2965.

Hepburn was alarmed at the steady increase in the amount of "pork" and began to fear that his prophecy of living to see the river and harbor bill carry a hundred million dollars

would be fulfilled. Moreover, he estimated that about half of the money appropriated in river and harbor bills—"a colossal sum" during a period of twenty-five years—was "utterly wasted". How much better it would be, he thought, to utilize the rivers for power to generate electricity than for purposes of navigation.—*Congressional Record*, 58th Congress, 3rd Session, p. 3666, 59th Congress, 1st Session, p. 2897.

Although Colonel Hepburn realized the futility of filibustering against pork barrel legislation he rarely missed an opportunity to disparage the levee system of improving the navigation of the Mississippi River, to ridicule plans of controlling the Missouri River, or to point out the absurd disproportion between the size of various appropriations and the importance of the projects.—*Congressional Record*, 53rd Congress, 3rd Session, p. 1317, 54th Congress, 2nd Session, Appendix, pp. 43, 44, 55th Congress, 3rd Session, pp. 1355, 1399, 56th Congress, 1st Session, p. 6567, 2nd Session, pp. 829–833, 1085, 57th Congress, 1st Session, pp. 2965–2968, 59th Congress, 2nd Session, pp. 2168–2170.

Colonel Hepburn objected especially to the passage of some of the river and harbor bills without opportunity for debate. "Why," said he in 1896, "was there ever anything known in all the history of villainous legislation like this? Seventy-five million dollars in round numbers taken out of the Treasury of the United States, and not one section of the bill has yet been read for amendment. Not one paragraph had a moment's deliberate consideration. There was not an opportunity to say a word in opposition to the multiplied iniquities of the measure." Furthermore, he attacked the ingenious method of concealing the enormous total of river and harbor expenditures by putting part of the appropriations in the sundry civil bill.—*Congressional Record*, 54th Congress, 1st Session, p. 5568, 55th Congress, 2nd Session, p. 2195, 3rd Session, p. 1354.

Not only did Hepburn criticize the appropriations in the river and harbor bills, but he thought the government was spending too much money for public buildings. "In my humble judgment," he said, "there is no more wasteful, and there

has been no more wasteful, exhibition of the expenditure of public money than in the erection of public buildings throughout the country. We always pay for more than we get, and we always get more than we need.''— *Congressional Record,* 55th Congress, 2nd Session, p. 5609.

CHAPTER XV

[178] Clipping 117 in the Hepburn papers.

[179] *Congressional Record,* 49th Congress, 2nd Session, p. 2223; *The Centerville Citizen,* March 2, 1887.

[180] *Proceedings of the Fifth Reunion of the Second Iowa Cavalry,* 1891, p. 24.

[181] *Congressional Record,* 48th Congress, 1st Session, p. 5561, 49th Congress, 2nd Session, pp. 234, 235, 742, 2226.

During the Forty-seventh Congress Hepburn was a member of the standing committees on Pensions and Public Lands as well as the select committees on Alcoholic Liquor Traffic and Woman Suffrage. In the Forty-eighth Congress he was a member of the standing committees on Elections, Patents, and Commerce. He served on the Judiciary Committee in the Forty-ninth Congress.— *Congressional Record,* 47th Congress, 1st Session, pp. 238, 239, 1836, 48th Congress, 1st Session, pp. 223, 224, 6150, 49th Congress, 1st Session, p. 538.

[182] *Congressional Record,* 49th Congress, 1st Session, pp. 4387, 4389, 5270, 5869.

[183] *Congressional Record,* 49th Congress, 1st Session, pp. 5269, 5270, 5271, 5277, 5279, 5281, 5282.

[184] *Congressional Record,* 49th Congress, 1st Session, p. 5867.

[185] *Congressional Record,* 49th Congress, 1st Session, p. 5869; clippings 117 and 584 in the Hepburn papers.

[186] *Congressional Record,* 49th Congress, 1st Session, pp. 5867, 5868, 5869.

[187] *Congressional Record,* 49th Congress, 1st Session, pp. 5869, 5870.

CHAPTER XVI

[188] Only five of the counties that had formerly composed the eighth district remained — Adams, Union, Page, Taylor, and Ringgold. The others, along the Missouri River, had been transferred to the ninth district, while Clarke, Decatur, Lucas, Wayne, and Appanoose counties were added to the eighth district.— *The Iowa Journal of History and Politics,* Vol. I, pp. 359, 360.

[189] *Weekly Iowa State Register* (Des Moines), March 24, 1882; *The Sioux City Journal,* November 9, 1913; Fairall's *Manual of Iowa Politics,* 1883, p. 15, 1885, p. 34.

[190] *The Iowa Journal of History and Politics,* Vol. VI, pp. 525, 530, 536, 537, 539; Fairall's *Manual of Iowa Politics,* 1884, p. 79.

[191] Fairall's *Manual of Iowa Politics,* 1883, pp. 42, 43; *Iowa Historical Record,* Vol. V, p. 242; *Scrap Book,* p. 21; *Prohibition by Constitutional Amendment* (Cresco: 1881), pp. 4, 6; *Congressional Record,* 47th Congress, 1st Session, p. 239, 48th Congress, 1st Session, pp. 2192, 2193, 2194. This speech, which was delivered on March 22, 1884, is included in Miller's *Great Debates in American History,* Vol. XI, pp. 390–392.

In 1882 the Committee on Alcoholic Liquor Traffic, of which Hepburn was a member, in response to a request from "the largest body of citizens, residing in every State and nearly every Territory, that ever petitioned for the passage of any measure before the American Congress", reported favorably a bill authorizing the appointment of five commissioners to investigate the liquor traffic with reference to its "economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire into the practical results of taxation and license, and of restrictive legislation for the prevention of intemperance". Hepburn voted for the bill, but it failed to pass the House.— *House Committee Reports,* 47th Congress, 1st Session, No. 132; *Congressional Record,* 47th Congress, 1st Session, p. 934.

In 1887 Hepburn opposed that part of the internal revenue bill which removed government supervision of small distilleries and prohibited the destruction of stills used illicitly. He characterized the measure as "a bill for the relief of moonshiners."— *Congressional Record,* 49th Congress, 2nd Session, pp. 2684, 2691.

On June 30, 1902, Hepburn introduced a bill designed to restore to States the power to stop importation of intoxicating liquor into prohibition territory. This power had been denied the States by court decisions which held that intoxicating liquor transported from one State to another was not subject to State law while it remained in the original package and before it was delivered to the consignee. Hepburn's bill — the precursor of the Webb-Kenyon Act — was called up on January 27, 1903, and passed the House after a short debate, but was never reported in the Senate. The Fifty-eighth Congress had been in session only a week when Hepburn re-introduced his bill to regulate interstate liquor traffic. On the following day J. P. Dolliver introduced a companion bill in the Senate and the measure came to be known as the Hepburn-Dolliver bill. In the Senate no further action was taken, but the House bill was favorably reported on April 8, 1904. Early in the final session of the Fifty-eighth Congress Colonel Hepburn introduced a resolution providing for the consideration of his bill, but the Committee on Rules never reported it. Finally, on February 18, 1905, he asked unanimous consent for the consideration of the bill, but Representative Swagar Sherley objected. The Hepburn-Dolliver bill was introduced very early in both the Fifty-ninth and Sixtieth Congresses but failed to pass either house.— *Congressional Record,* 57th Congress, 1st Session, p. 7730, 2nd Session, pp. 1327–1331, 58th Congress, 1st Session, pp. 349, 357, 2nd Session, p. 4545, 3rd Session, pp. 184, 2866, 59th Congress, 1st Session, pp. 115, 146, 60th Congress, 1st Session, pp. 18, 499, 4662.

[192] Fairall's *Manual of Iowa Politics,* 1884, pp. 79–81.

[193] Fairall's *Manual of Iowa Politics,* 1884, pp. 81, 83.

At the second meeting which was held at Postville on August

30th the Republicans again challenged General Weaver to a debate with Hepburn. The General declined and Hepburn was in turn challenged by L. H. ("Calamity") Weller, but he declined. At Webster City on the evening of September 11th Hepburn spoke at the courthouse, while Weaver addressed a large audience in the opera house. A final effort was made to bring the two men together at Osceola on September 20th, but Weaver refused as usual.— Fairall's *Manual of Iowa Politics*, 1884, pp. 84, 85, 86, 87.

194 Clipping 724 in the Hepburn papers.

195 Haynes's *Third Party Movements*, pp. 221, 222.

That Hepburn was active in the State campaign of 1885 is apparent from a letter congratulating him upon his courage in discussing the issues which had resulted from the Civil War, and closing with the hope that he would continue to "make it sultry for Fusion . . . . the ill-bred bantling of miscegenation."— Letter from B. M. Cutcheon, dated October 18, 1885.

196 The editor of *The Centerville Citizen* was W. O. Crosby who, as chairman of the Republican committee for the eighth district, became Hepburn's campaign manager.— *The Centerville Citizen*, September 8, 1886.

197 *The Centerville Citizen*, May 12 and 19, and June 2, 1886; *Congressional Record*, 48th Congress, 1st Session, pp. 936, 937, 49th Congress, 1st Session, pp. 4901–4903, 6406.

When Hepburn was a member of the Committee on Public Lands he reported a bill "to quiet the title of settlers on the Des Moines River lands" which, however, never came to a vote. The Des Moines River Land Settlers' Union endorsed his candidacy in 1886, saying that he had been "from his first entrance into congress, our active friend" and asking that he be supported because "he is an honest and upright man." — *Congressional Record*, 47th Congress, 1st Session, p. 5140; *The Centerville Citizen*, August 11, 1886.

198 *The Centerville Citizen*, June 23, 1886.

[199] *The Iowa Journal of History and Politics,* Vol. I, p. 361; *The Centerville Citizen,* August 4 and September 1 and 8, 1886.

Major A. R. Anderson had been conspicuous in Republican politics for many years. From 1877 to 1881 he was district attorney in the thirteenth district. He it was who had been praised for his unselfishness and party loyalty in the convention that nominated Hepburn for Congress in 1880. From 1881 to 1884 he served as a railroad commissioner of Iowa. During this time, in 1882, he secured the Republican nomination for Congress in the ninth district, but was defeated by W. H. M. Pusey.— *Iowa Official Register,* 1917–1918, pp. 94, 665; *Scrap Book,* pp. 7, 24; Fairall's *Manual of Iowa Politics,* 1883, p. 16.

[200] *The Centerville Citizen,* August 25 and September 8, 1886.

[201] *Congressional Record,* 48th Congress, 2nd Session, Appendix, p. 9, 49th Congress, 1st Session, Appendix, pp. 455, 456; *The Centerville Citizen,* September 8, 1886.

The day before the passage of the Interstate Commerce Act of 1887 — a compromise between the Reagan and Cullom bills — Colonel Hepburn delivered a notable speech in favor of the measure. Much of what he said was in reply to James B. Weaver who had voted for the Reagan bill the previous summer but was opposed to the compromise. Hepburn suggested that possibly the motive of some Congressmen in supporting the Reagan bill had been to produce irreconcilable disagreements between the House and Senate and thus keep "alive and unsettled a question of prime importance to the people," that might be used "as a football in the then approaching campaign" for the "enhancement of their own worth and in support of their pretensions". The compromise was not as good as it might have been, but the Colonel thought it was an improvement on the Reagan bill. He favored the creation of the Interstate Commerce Commission and refuted the principal objections to it. In regard to the long and short haul clause he approved of the proviso allowing the Commission to authorize less charges for longer hauls in special cases because he thought it would benefit Iowa farmers by reducing the freight

rates on grain shipped east of Chicago. The amended section prohibiting passenger as well as freight pooling received his endorsement. He had no objection to the phrase "under substantially similar circumstances and conditions" because two shippers ought to have the same benefits even if the conditions were not "precisely, identically, and exactly the same." Neither did he share the fear that the alleged ambiguity of some phrases would cause the courts to misinterpret the statute.

Though Colonel Hepburn admitted that the proposed law was not perfect, he realized that it was the best legislation that could be secured and he was willing to make progress by successive steps. Even if the bill had contained no other provision than the declaration that all unjust and unreasonable transportation charges were unlawful he would have voted for it. "Time, experience, observation, persistent and repeated trial", he predicted, would be the factors of successful railroad regulation. The methods of government control, he thought, might be perfected "by the wiser men who will succeed us", so as to "bring no harm to the just rights of the corporations, and yet bring to the people of this land that day so longed for, when from the carrying service will be swept away the extortion of unreasonable charge and the injustice of discriminating and unstable rates."— *Congressional Record,* 49th Congress, 2nd Session, p. 881, Appendix, pp. 43–47.

[202] *The Centerville Citizen,* September 8, 1886; *Report of the Board of Railroad Commissioners* (Iowa), 1884, pp. 49–57.

The opinion that State regulation of railroad rates was compatible with the power of Congress over interstate commerce was in accord with the definitive decision of the Supreme Court of the United States in the case of Munn *v.* the State of Illinois, in which a decision was handed down in 1877.— Paxson's *The New Nation,* p. 71.

[203] *The Centerville Citizen,* August 4 and September 1, 1886.

[204] *The Centerville Citizen,* September 8, 1886.

It is not certain that joint debates were held in all of the

counties of the district. During September the candidates met at Centerville and Corydon. Later Anderson refused to meet Hepburn at Seymour, Creston, and Shenandoah. Whether appointments for joint discussions had been arranged at these places can not be determined.— *The Centerville Citizen,* September 29 and October 20, 1886.

[205] *The Centerville Citizen,* September 22, 1886; *Iowa House Journal,* 1886, p. 652; *Iowa Senate Journal,* 1886, p. 659.

[206] *The Centerville Citizen,* September 29, 1886; *The Ringgold Record,* April 14, 1904.

The political situation in southwestern Iowa was so complex and discontent so general that Senator Allison refused to enter the campaign in behalf of Colonel Hepburn. "Tama Jim" Wilson spent two weeks in the eighth district doing what he could, but Senator James F. Wilson found it advisable to cancel five engagements for speeches and get out.— Copy of a letter to A. B. Thornell, November 10, 1908.

[207] *Iowa Official Register,* 1887, pp. 117–127.

[208] *Congressional Record,* 49th Congress, 2nd Session, p. 2223; *The Sioux City Journal,* November 9, 1913; letters from Robert Harris, dated May 24, June 17 and 28, and November 15, 1887.

It was stated on "good authority" that Hepburn was to have received a salary of $12,000 for his services in the legal department of the Northern Pacific Railroad Company. When that project failed to materialize Mr. Harris offered to help him establish a law practice at Tacoma or some other point on Puget Sound.— *The Centerville Citizen,* July 6, 1887; letter from Robert Harris, dated November 15, 1887.

[209] *The Centerville Citizen,* March 2, April 20, and December 21, 1887; Clark's *History of Senatorial Elections in Iowa,* p. 212; clipping 542 in the Hepburn papers.

[210] Clark's *History of Senatorial Elections in Iowa,* pp. 213, 214; *Iowa City Daily Republican,* January 4, 5, and 9, 1888.

211 *Iowa City Daily Republican,* January 11, 1888; Clark's *History of Senatorial Elections in Iowa,* pp. 213, 214.

212 *Iowa City Daily Republican,* March 21 and 22, 1888.

213 Letter from Edith H. Thummel, dated June 21, 1888; *Iowa City Daily Republican,* June 15 and 21, 1888; *The Chicago Daily Tribune,* June 22, 1888; Platt's *A History of the Republican Party,* p. 224.

214 *The Chicago Daily Tribune,* June 22, 1888; *Iowa City Daily Republican,* June 21, 1888.

215 Platt's *A History of the Republican Party,* pp. 224, 225; Hoar's *Autobiography of Seventy Years,* Vol. I, pp. 411–413.

216 Certificate of election of the presidential electors for Iowa, dated December 15, 1888, in the Hepburn papers; *Iowa City Daily Republican,* January 12 and February 2, 1889.

217 *The Kansas City Times,* March 3, 1889; letter from R. S. B. Clarke, dated February 9, 1889; letter from Robert Harris, dated March 18, 1889.

218 Letters from John M. Thurston to William P. Hepburn, the Nebraska delegation in Congress, and President Harrison, dated March 19, 1889.

219 Letter from Grenville M. Dodge to President Harrison, dated April 3, 1889; certificate of appointment as Solicitor of the Treasury, dated April 16, 1889, in the Hepburn papers.

CHAPTER XVII

220 Letter from R. I. Holcombe, dated April 16, 1889; letter from J. C. Cook, dated January 11, 1890; clippings 502 and 503 in the Hepburn papers.

221 After much effort Mr. Carleton was appointed postmaster at Iowa Falls, largely on account of Hepburn's influence.—Letter from R. A. Carleton, dated September 27, 1889; letter from D. B. Henderson, dated December 16, 1890; letter from Abner Dunham, dated January 23, 1891.

[222] William P. Hepburn was a trustee of Tabor College from 1904 to 1910.— Tabor College Catalogues, 1904–1909.

[223] Letter from R. A. Carleton, dated April 18, 1889; letter from W. M. Brooks, dated April 19, 1889; letter from J. R. Hartsock, dated April 22, 1889; letter from M. B. Austin, dated June 18, 1889; letter from Alice N. Jones, dated August 15, 1889; letter from Mary Anderson, dated September 20, 1889; letter from Ada J. Guituer, dated December 8, 1892.

[224] Letter from Anna A. Kluge, dated September 9, 1891; letter from E. A. Harris, dated December 6, 1890.

[225] *Congressional Directory,* 52nd Congress, 2nd Session, p. 253.

[226] *Annual Report of the Attorney General of the United States,* 1889, pp. 189, 190.

[227] *Annual Report of the Attorney General of the United States,* 1889, pp. 189, 190, 1890, pp. 191, 192, 1891, pp. 177, 178, 1892, pp. 249, 250.

[228] Manuscript copy of the report on the administration of immigration at the port of New York by William P. Hepburn to the Secretary of the Treasury, dated December 31, 1889, in the Hepburn papers.

[229] *Congressional Record,* 51st Congress, 1st Session, pp. 762, 2140; letter from Clarence Johnson, dated March 19, 1890; *United States Statutes at Large,* Vol. XXVI, pp. 43, 372, 949, 1084–1086; *The Sioux City Journal,* November 9, 1913; letter from Frank Hiscock, dated January 15, 1890.

On December 23, 1890, before the new immigrant regulations had been adopted, Hepburn was requested to proceed to Boston to investigate the management of immigration matters.— Letter from William Windom, dated December 23, 1890.

[230] *United States Statutes at Large,* Vol. XXVI, p. 136; letter from B. H. Hinds, dated May 6, 1890; letter from D. W. Ridenour, dated June 25, 1890; letter from Raymond Loranz, dated August 4, 1890.

[231] Special Agents George W. Whitehead and W. S. Chance were the other members of the commission.

[232] Manuscript copies of reports of the Treasury Commission on the customs administration in New York to the Secretary of the Treasury, in the Hepburn papers; letter from George W. Whitehead, dated December 20, 1890; *The Sioux City Journal,* November 9, 1913; *Annual Report of the Secretary of the Treasury,* 1891, pp. xxxviii–xli.

[233] This was the second time William P. Hepburn had visited the Pacific Coast. In 1886 he had served on a special committee to escort the remains of Senator J. F. Miller to California. Mrs. Hepburn and Edith Hepburn Thummel were in California during March and April, 1892.— *Congressional Record,* 49th Congress, 1st Session, p. 2351; letter from James A. Louttit, dated April 28, 1892; letter to Raymond Loranz, dated March 6, 1892.

[234] *The Sioux City Journal,* November 9, 1913; letter from John H. Keattell, dated August 20, 1889; *Annual Report of the Secretary of the Treasury,* 1890, p. lxxvii; letter from W. Kieckhefer, dated June 18, 1889; clipping 238 in the Hepburn papers; letters from Charles Foster, dated June 29 and August 24, 1891; letter from William Windom, dated November 19, 1890; letter from Hugh K. McJunkin, dated April 13, 1892; letter from I. R. Campbell, dated April 7, 1892.

CHAPTER XVIII

[235] *The Ringgold Record,* April 14, 1904; letter from L. T. Michener, dated September 17, 1890; letter from F. F. D. Albery, dated September 22, 1890; letter from H. S. Cattell, dated December 8, 1891; letter from C. A. Stanton, dated October 29, 1890; letter from D. B. Henderson, dated November 6, 1890; letter from E. E. Mack, dated October 25, 1890; letters to Raymond Loranz, dated December 29, 1891, and February 11, 1892; letter to Margaret Hepburn Chamberlain, dated September 8, 1891.

[236] Letter to Raymond Loranz, dated February 11, 1892; letter from William Eaton, dated February 22, 1892.

[237] J. B. Harsh was in the State Senate two terms — from 1888 to 1896.— *Iowa Official Register*, 1917–1918, p. 65.

[238] *The Iowa State Register* (Weekly, Des Moines), February 5, 1892; letter from James W. McDill, dated March 26, 1892; letter from J. B. Harsh to J. H. Cook, dated April 29, 1892; *The Creston Gazette*, May 30, 1892; *Iowa Official Register*, 1889, p. 196, 1891, p. 179; Fairall's *Manual of Iowa Politics*, 1885, p. 34.

[239] *The Creston Gazette*, May 30, 1892.

[240] *The Creston Gazette*, June 27, 1892; *The Chariton Patriot*, July 20, 1892.

[241] Letter from William Eaton, dated February 22, 1892; letter from F. M. Davis, dated April 30, 1892; a typewritten memorandum in the Hepburn papers; clippings 436 and 568 in the Hepburn papers.

[242] *The Chariton Patriot*, July 20, 1892; clipping 517 in the Hepburn papers.

[243] Letter from J. E. Hill, dated August 11, 1892; *The Iowa State Register* (Weekly, Des Moines), August 19 and September 9, 1892.

[244] Letter to Raymond Loranz, dated September 26, 1892; letter from L. C. Mechem dated October 4, 1892; letter from J. L. Washburn, dated November 4, 1892.

[245] Letter from G. B. Pray, dated September 24, 1892; letter from J. E. Blythe, dated September 24, 1892; letter from W. H. Phelps, dated September 28, 1892; letter from W. F. Baker, dated October 7, 1892; letter from William B. Allison, dated October 10, 1892; letter to Raymond Loranz, dated June 28, 1892; *The Iowa State Register* (Weekly, Des Moines), September 23, 1892.

[246] Dewey's *National Problems*, pp. 246, 250, 251; *Iowa Official Register*, 1893, pp. 120–187, 196.

[247] Letter from G. W. Whitehead, dated November 26, 1892; letter from L. C. Mechem, dated December 8, 1892; letter from A. B. Cummins, dated November 21, 1892; letter from E. M. Reynolds, dated November 14, 1892.

CHAPTER XIX

[248] Letter from Evander Light, dated November 17, 1892; letter from Soloman S. Shaffstall, dated November 20, 1892; letter from John L. Spicer, dated November 20, 1892; letter from Mrs. E. H. Shoemaker, dated November 25, 1892.

[249] Copy of a letter to Andrew Harvey, dated January 29, 1907; *Congressional Record*, 58th Congress, 2nd Session, pp. 3113, 3114.

The better to serve his constituents Hepburn advocated the retention of committee clerks during the time Congress was not in session so that the business of constituents which was usually done by the Congressman would be looked after during their absence.— *Congressional Record*, 54th Congress, 1st Session, pp. 4995, 4996.

[250] Letter to I. H. Walker, dated December 18, 1900; copy of a letter to F. M. Davis, dated January 25, 1906.

[251] *Congressional Record*, 53rd Congress, 2nd Session, pp. 369, 2592, 54th Congress, 1st Session, p. 4057, 55th Congress, 2nd Session, p. 71.

[252] Paxson's *The New Nation*, p. 219; *Congressional Record*, 53rd Congress, 1st Session, pp. 197, 205.

[253] *Congressional Record*, 53rd Congress, 1st Session, pp. 630–633.

[254] Dewey's *National Problems*, pp. 267–271.

[255] *Congressional Record*, 53rd Congress, 3rd Session, p. 2198; letter from Thomas Tonge, dated February 18, 1895.

[256] *Congressional Record*, 54th Congress, 1st Session, Appendix, pp. 126–129.

[257] *Congressional Record,* 54th Congress, 2nd Session, p. 2378.

[258] Hepburn characterized the Reclamation Act of 1902 as "the most insolent and impudent attempt at larceny" that he had ever seen embodied in a legislative proposition. Representatives of western States, he said, were asking the government "to give away an empire in order that their private property" might "be made valuable." Reclamation projects might well be postponed until there was greater need of more agricultural land, he thought, and when that time came the people who were the beneficiaries should reclaim the land "as we have had to do in the other States."— *Congressional Record,* 57th Congress, 1st Session, p. 6742.

CHAPTER XX

[259] On one occasion, after condemning strikes and the "spirit that fosters them," Hepburn declared that in "this day and generation where even the differences of nations are the subject of peaceful arbitration and where the highest efforts of the statesmen are directed to the peaceful solution of international trouble, to the abrogation of wars, and their train of evils, men ought to be compelled to submit their differences to pacific and legal adjustment."— Manuscript copy of a speech in the Hepburn papers.

[260] *Congressional Record,* 53rd Congress, 2nd Session, pp. 263, 8420, 8421, 3rd Session, p. 2792, 54th Congress, 1st Session, p. 2572.

[261] Letter from B. T. Chapman, dated November 22, 1892; letter from J. W. Briggs, dated December 19, 1892; letters from J. H. Cook, dated December 24 and 28, 1892; Clark's *History of Senatorial Elections in Iowa,* pp. 227–233; *Iowa Official Register,* 1895, p. 189; letter from J. W. Blythe, dated November 13, 1894.

[262] *The Review of Reviews,* Vol. XIV, p. 526; letter from William Bremner, dated November 9, 1896.

263 *The Iowa State Register* (Weekly, Des Moines), March 13, 1896.

264 Dewey's *National Problems*, p. 319; *The Iowa State Register* (Weekly, Des Moines), June 19, 1896.

265 Platt's *A History of the Republican Party*, p. 255; clipping 578 in the Hepburn papers.

266 *The Iowa State Register* (Weekly, Des Moines), June 19 and July 17, 1896.

267 Letters to Raymond Loranz, dated September 14 and 21, 1896. In the midst of the burdens of a difficult campaign came the news that Frank Hepburn, the Colonel's eldest son, had been murdered in Arkansas on September 14, 1896.— *The Iowa State Register* (Weekly, Des Moines), September 18, 1896.

268 It was on Republican day of the semi-centennial celebration of the admission of Iowa into the Union that Foraker and Hepburn spoke in Burlington.

269 *The Iowa State Register* (Weekly, Des Moines), August 14, 1896; *The Burlington Hawk-Eye* (Weekly), October 8, 1896.

270 Letter from William B. Allison, dated November 7, 1896; *Iowa Official Register*, 1897, p. 253.

CHAPTER XXI

271 *The Clarinda Herald*, October 25, 1898.

272 *Congressional Record*, 55th Congress, 2nd Session, pp. 461–464. Hepburn voted for the Pendleton civil service bill in 1883.— *Congressional Record*, 47th Congress, 2nd Session, p. 867.

273 Clipping 595 in the Hepburn papers.

274 Colonel Hepburn was commonly accused of utilizing his patronage for the purpose of building a party machine composed of postmasters and other Federal office-holders who were

expected to look after the Colonel's political interests. Occasionally there were insinuations of nepotism; hints that he had "assisted sons-in-law and others-in-law into salaried positions". Such charges the Colonel always resented and emphatically denied. Entirely aside from his conviction that party organization should be composed chiefly of public officials, it was only natural that he should prefer his friends in the distribution of positions and that those friends should be loyal to him at election. It may be stated truthfully that Colonel Hepburn never recommended a man for a Federal office whom he believed to be dishonest or inefficient.— *The Register and Leader* (Des Moines), December 14, 1908.

275 *Congressional Record*, 55th Congress, 3rd Session, pp. 458, 459, 56th Congress, 1st Session, p. 1887, 57th Congress, 1st Session, pp. 626, 627, 58th Congress, 2nd Session, p. 729, 59th Congress, 1st Session, p. 4189, 60th Congress, 2nd Session, pp. 82, 83.

CHAPTER XXII

276 Weyl's *American World Policies*, pp. 45–48.

277 *The Clarinda Herald*, October 25, 1898; *Mount Ayr Record-News*, February 22, 1916. This speech is included in Miller's *Great Debates in American History*, Vol. III, pp. 228–230. A photograph of Colonel Hepburn which was reproduced at the time of his Hawaiian speech when he was sixty-four years of age pictures him with dark hair and mustache, a square jaw, and piercing eyes. He appears to be in the prime of life.— *The Cyclopedic Review of Current History*, Vol. VIII, p. 321.

278 *Congressional Record*, 55th Congress, 2nd Session, pp. 6017, 6018.

279 The Ostend Manifesto was the joint work of James Buchanan, John Y. Mason, and Pierre Soulé, all Democrats and United States ministers in Europe, who met at the suggestion of President Franklin Pierce.

[280] *Congressional Record,* 55th Congress, 3rd Session, pp. 1107, 1108.

[281] *Congressional Record,* 57th Congress, 1st Session, pp. 417, 418.

From 1899 to 1903 William P. Hepburn was a member of the Committee on Insular Affairs. The legislation establishing civil government in Hawaii, Porto Rico, and the Philippines emanated from this committee.

[282] *Congressional Record,* 59th Congress, 1st Session, pp. 4736, 4737, 2nd Session, pp. 65, 2231.

Hepburn was equally opposed to the organization of national societies of Italians, Irish, or Hungarians. He believed that aliens should be taught that naturalization conferred a boon upon them, "that there is something in naturalization here that they ought to be suitors for, that they ought to be willing to make sacrifices for".— *Congressional Record,* 59th Congress, 1st Session, p. 7049, 2nd Session, p. 2231.

[283] *Mount Ayr Record-News,* February 22, 1916; clipping 133 in the Hepburn papers.

CHAPTER XXIII

[284] *Report by Isthmian Canal Commission,* 1899–1901, p. 37, in *Senate Documents,* 57th Congress, 1st Session, No. 54; Latané's *America as a World Power,* p. 204; clipping 2 in the Hepburn papers.

[285] *House Committee Reports,* 54th Congress, 1st Session, No. 2126, pp. 1, 2, 5, 23; clipping 597 in the Hepburn papers; *Congressional Record,* 56th Congress, 1st Session, Appendix, p. 393.

[286] *Report by Isthmian Canal Commission,* 1899–1901, pp. 58, 59, in *Senate Documents,* 57th Congress, 1st Session, No. 54; *Congressional Record,* 55th Congress, 3rd Session, pp. 133, 1829; *House Committee Reports,* 55th Congress, 3rd Session, No. 2104, pp. 1, 2, 4, 8, 9.

[287] Clipping 597 in the Hepburn papers; *Congressional Record,* 55th Congress, 3rd Session, p. 1665.

[288] *Congressional Record,* 55th Congress, 3rd Session, pp. 1872–1877.

In reply to the suggestion that the constitution of Nicaragua prohibited the sale of any territory, Hepburn foretold the mode of acquiring territory in Central America which was afterwards employed by President Roosevelt. He said that every revolution in Nicaragua caused a change in the constitution and that "those revolutions are quite as frequent as we would care for, even if we required a change in their constitution and it could not be effected in any other way."— *Congressional Record,* 55th Congress, 3rd Session, p. 1873.

[289] *Congressional Record,* 55th Congress, 3rd Session, pp. 1895–1912.

[290] Latané's *America as a World Power,* pp. 208, 209; letter from W. N. Cromwell, dated March 14, 1899.

[291] *Congressional Record,* 56th Congress, 1st Session, p. 151; clipping 597 in the Hepburn papers; H. R. Bill No. 2538, 56th Congress, 1st Session, in the Hepburn papers.

[292] *House Committee Reports,* 56th Congress, 1st Session, No. 351.

The Independent for February 1, 1900, published a short article by Hepburn in which he stated the reasons why he favored an isthmian canal and the Nicaragua route.— *The Independent,* Vol. LII, pp. 294–296.

[293] Letter from Albert Shaw, dated February 19, 1900; letter from O. E. Payne, dated February 20, 1900; letter from Robert Kuehnert, dated February 24, 1900.

[294] *The Outlook,* Vol. LXIV, p. 428; Latané's *America as a World Power,* p. 206; *House Committee Reports,* 56th Congress, 1st Session, No. 351; letter from Charles E. Vrooman, dated February 27, 1900.

[295] *Congressional Record,* 56th Congress, 1st Session, pp. 1993, 1994, 2430, 4129, 4558.

[296] *Congressional Record,* 56th Congress, 1st Session, Ap-

pendix, pp. 393–396. This speech is included in Miller's *Great Debates in American History,* Vol. III, pp. 359–364.

297 *Congressional Record,* 56th Congress, 1st Session, pp. 4913–4955.

298 *Congressional Record,* 56th Congress, 1st Session, p. 4999.

299 *Congressional Record,* 56th Congress, 1st Session, pp. 4987–5015, 5476, 2nd Session, p. 3517.

300 *Congressional Record,* 57th Congress, 1st Session, p. 184; Latané's *America as a World Power,* p. 207; *House Committee Reports,* 57th Congress, 1st Session, No. 15.

301 *Congressional Record,* 57th Congress, 1st Session, p. 481, Appendix, pp. 10–17. This speech is included in Miller's *Great Debates in American History,* Vol. III, pp. 384–388.

302 *Congressional Record,* 57th Congress, 1st Session, pp. 481–487, 513–528, 540–558, Appendix, pp. 38–41.

303 Latané's *America as a World Power,* pp. 211, 212; *Congressional Record,* 57th Congress, 1st Session, p. 7441; clipping 12 in the Hepburn papers.

304 *Congressional Record,* 57th Congress, 1st Session, p. 7436; letter to John N. Miller, dated January 28, 1902.

305 Hepburn defended the hasty recognition of the independence of Panama in these words: "I believe if there had been no Panama treaty, that if there had been no Colombian acquiescence, that it would have been the duty of this nation to have wiped that petty people away. Unwilling to move themselves, unable, perhaps, to contribute in any considerable degree to the great enterprise demanded by the commerce of the world, they proposed to bleed a liberal people, which our president would not permit. We had, fortunately for us, the right man in the right place, at the right time, and I thank God for it!"—*The Des Moines Daily Capital,* April 8, 1904.

306 Latané's *America as a World Power,* pp. 217, 220; letter from Theodore Roosevelt, dated April 14, 1904; *Congressional Record,* 58th Congress, 2nd Session, pp. 4954, 5214, 5274, 5828.

307 *The Daily Picayune* (New Orleans), December 3, 1904; *The Charleston Evening Post,* January 14, 1909; *Congressional Record,* 59th Congress, 1st Session, pp. 55, 250, 581, 692, 9085, 9342, 9384.

308 *The Creston Advertiser-Gazette,* February 14, 1905.

CHAPTER XXIV

309 For a few weeks in October the Colonel was not able to take an active part in the campaign.—Letter from C. T. Hancock, dated October 22, 1898.

310 Letters from Raymond Loranz, dated August 8 and October 8, 1898; *Iowa Official Register,* 1905, p. 386; clipping 126 in the Hepburn papers. Hepburn's Democratic opponent in 1898 was George L. Finn.

311 Letter from Ed. H. Sharp, dated July 16, 1900; copy of a letter from Buren R. Sherman to Leslie M. Shaw, dated August 15, 1900; letter from Leslie M. Shaw, dated August 28, 1900; Clark's *History of Senatorial Elections in Iowa,* pp. 245, 246; clipping 583 in the Hepburn papers.

312 Letter from A. F. Dawson to Margaret Hepburn Chamberlain, dated September 8, 1900; letter from A. F. Dawson to Howard Tedford, dated September 26, 1900; *Iowa Official Register,* 1905, p. 386.

Hepburn's Democratic opponent was V. R. McGinnis.

313 Paxson's *The New Nation,* pp. 252, 293, 294; *Iowa Official Register,* 1902, p. 274.

In 1902 the whole country was agitated by the trust problem. What was needed, in Hepburn's opinion, was not more legislation but the enforcement of the laws already on the statute books. Accordingly he introduced a bill appropriating funds with which the Attorney General might employ special counsel to prosecute cases against the trusts. Later the provisions of this bill were incorporated in the legislative, executive, and judicial bill which became a law on February 25, 1903.—*Congressional Record,* 57th Congress, 2nd Session, pp. 5, 412,

419; *United States Statutes at Large*, Vol. XXXII, Pt. 1, pp. 903, 904, 906.

314 *Iowa Official Register*, 1905, p. 386; letter from J. P. Dolliver, dated November 6, 1902; *The Des Moines Daily Capital*, January 15, 1904; *Congressional Record*, 58th Congress, 1st Session, p. 365; letter from Arthur R. Wells, dated January 28, 1904.

315 *The Des Moines Daily Capital*, March 10, 1904.

316 *The Des Moines Daily Capital*, April 8, 1904; *Congressional Record*, 58th Congress, 2nd Session, p. 5452.

The delegation from Page County to the Republican Eighth Congressional District Convention in 1904 was composed as far as possible of men who had been delegates to the memorable convention which had first nominated "Pete" Hepburn for a seat in the national House of Representatives in 1880.— *The Register and Leader* (Des Moines), September 8, 1904.

317 "I support this protective policy", Hepburn declared in November, 1903, "because the labor field of the United States is enlarged, because employment is more certain, because the wage is more surely compensating, because the homes are homes of plenty, and because contentment with our institutions finds lodgment in the hearts of all of our people". On another occasion he explained that the primary object of the enactment of every protective tariff measure was to secure the interests of the laborer while the "interest of the manufacturer was but a mere incident." He hastened to add, however, that manufacturing interests could not be destroyed without affecting the laborer.— *Congressional Record*, 58th Congress, 1st Session, p. 366, 2nd Session, p. 5454.

318 *The Des Moines Daily Capital*, April 8, 1904.

319 *Congressional Record*, 58th Congress, 2nd Session, p. 5454.

In 1902 Hepburn suggested that the trust problem might be solved by taxing watered stock out of existence. In 1908 he introduced an anti-trust bill that had been drafted under the

direction of Seth Low, President of the National Civic Federation, in consultation with President Roosevelt and representatives of corporations and organized labor. According to the provisions of this measure, which aimed to legalize desirable and reasonable combinations, any corporation or labor association could register with the Bureau of Corporations or the Interstate Commerce Commission. Registered corporations could make combinations, contracts, and agreements if they were submitted to and approved by the government. Unregistered corporations remained subject to the provisions of the Sherman Anti-Trust Act which prohibited all combinations in restraint of trade, whether reasonable or unreasonable. Moreover, the registration of trades unions afforded official government recognition and the bill specifically legalized the right to strike. The measure was referred to the Committee on Judiciary which never reported it.— H. R. Bill No. 19,745, 60th Congress, 1st Session, in the Hepburn papers; *The Outlook*, Vol. LXXXVIII, pp. 816, 817; *The Des Moines Daily Capital*, August 11, 1902.

320 In a speech to the Polk County Republican Club on July 19th Governor Cummins declared that the man "who says that the idea is a proposition to abolish all protective duties upon the products of the so-called trusts, who says that it is a proposition for free trade with Canada, or with any other country on earth, who says that it is democratic, or found in the democratic platform, is an unmitigated liar."

321 *The Register and Leader* (Des Moines), July 21, 1904; *The Des Moines Daily Capital*, July 20, 1904.

322 Copy of a letter to A. W. Gay, dated August 12, 1904; *The Register and Leader* (Des Moines), September 17, 1904; letter from R. H. Spence, dated September 16, 1904; letter from C. N. Fowler, dated September 28, 1904; letter from J. C. Sibley, dated September 30, 1904; letter from C. E. Townsend, dated October 8, 1904; letter from Loren Fletcher to J. F. Bryan, dated October 15, 1904; *The Lamoni Chronicle*, October 27, 1904.

323 Copy of a letter to A. W. Gay, dated August 12, 1904; copy of a letter to Henry Wallace, dated August 12, 1904.

324 Letter from Henry Wallace, dated August 19, 1904.

325 *Wallaces' Farmer,* September 16, 1904.

326 *Decatur County Journal* (Leon), February 16, 1905.

327 *Iowa Official Register,* 1905, p. 386. John V. Bennett was the Democratic candidate who consented to accept "the hopeless nomination" for Congress from the eighth district in 1904.— *The Sioux City Journal,* September 8, 1904.

CHAPTER XXV

328 Letter to Hepburn Chamberlain, dated April 15, 1905; Scott's *In the Far East,* p. 3. This volume is a collection of letters written by a member of the Taft party and printed for private circulation. There is a copy of the book in the Hepburn papers.

Colonel Hepburn's son-in-law, Roy H. Chamberlain, was at that time Collector of Internal Revenue in Hawaii.— Clipping 76 in the Hepburn papers.

329 As early as 1891 William P. Hepburn recognized the importance of restricting immigration. The "broad acres of the west" no longer smiled a welcome to all who came. Thirty-five per cent of the immigrants "herded together in a colony" and never moved "beyond the city of their deportation". It was in such communities, Hepburn declared, that "anarchism and socialism are found and fostered."— *Fifth Reunion of the Second Iowa Cavalry Veteran Association,* 1891, p. 25.

The most eloquent as well as the most complete expression of the Colonel's attitude on the immigration question was in a speech delivered in the House of Representatives on January 27, 1897. The fundamental purpose of curtailing immigration, he began, was to preserve the labor field in the United States for Americans. Each "day's labor given to the foreigner is a day's labor filched from one of us." It "is not simply a

question of sentiment'', he exclaimed. ''It is a question of patriotism.'' With vivid reality he pictured an American laborer returning amid the falling ''shadows of night''— shadows which were ''not so dark as those enshrouding his soul''— to his ''cheerless hearth'' where no light and no food, but only his starving wife and children awaited him after a day of bootless efforts to find employment. ''Sentimentalists talk about dividing the blessings of the great Republic with all the world'', he continued. ''Ah, let us care for our own first. Let us keep these places in the American labor field for Americans to delve in. And if there is something to dispense afterwards, then let us be charitable. But let us be just to Americans.'' So long as contentment should prevail in American homes socialism and anarchy would find no place in the social order. ''Congestion of labor breeds discussion of schemes of redistribution of the world's wealth.''— *Congressional Record*, 54th Congress, 2nd Session, pp. 1234, 1235. See also *Congressional Record*, 47th Congress, 1st Session, p. 2226. 57th Congress, 1st Session, pp. 5816, 6003, 60th Congress, 1st Session, pp. 869–873, 2nd Session, pp. 3145–3147.

330 *The Pacific Commercial Advertiser* (Honolulu), June 8, 1905; clippings 75 and 76 in the Hepburn papers.

331 *Evening Bulletin* (Honolulu), July 13, 1905.

332 *The Pacific Commercial Advertiser* (Honolulu), June 12, 1905.

333 *Evening Bulletin* (Honolulu), July 13, 1905.

William P. Hepburn was always an advocate of women's rights. In 1860 he declared that a woman's rights ''should be so enlarged as to give her the property of her own accumulation, in such manner that it need not be jeopardized by the fluctuations of her husband's finances. She should have the guardianship of her children . . . . Her compensation should be better proportioned to the labors she performs. In the few branches of industry in which she is permitted by society to compete with her natural enemy — man — she receives less than half the pay for the same labor.'' He

suggested that a woman's nimble fingers fitted her especially for work in a printing office or as a telegraph operator, that her "life of Christian charity" made her teaching "fall upon the ear of the enquirer for truth with all the power that virtuous example yields", and that as a nurse she could well be substituted for "many of those noisy pilgarlics who now infest the sick room".— Manuscript copy of a speech delivered before the Marshalltown lodge of Good Templars on March 3, 1860, in the Hepburn papers.

During the Forty-seventh Congress, while Hepburn was a member of the Committee on Woman Suffrage, he supported the Susan B. Anthony equal suffrage amendment to the Federal Constitution. In 1886, when he was a member of the Committee on Judiciary to which the same amendment was referred, he signed the minority report in favor of "immediate, sure, and absolute enfranchisement" of women. "Give woman the ballot", reads the report, "and she will have additional means and inducements to a broader and better education, including a knowledge of affairs, which she will not fail to avail herself of to the uttermost; give her the ballot and you add to her means of protection to her person and estate." Moreover, it was argued that woman suffrage might dispel national dangers. "She is an enemy of foreign war or domestic turmoil; she is a friend of peace and home. Her influence for good in many directions would be multiplied if she possessed the ballot. She desires the homes of the land to be pure and sober; with her help they may become so." Though a majority of women might not desire to vote it was held that such "indifference cannot affect the right of those who are not indifferent."— *House Committee Reports*, 47th Congress, 2nd Session, No. 1997, 49th Congress, 1st Session, No. 2289.

[334] Clipping 75 in the Hepburn papers; *Congressional Record*, 58th Congress, 3rd Session, pp. 430, 2763, 3667.

At the same time that William P. Hepburn introduced the bill to investigate leprosy in Hawaii he introduced another measure to provide for a leprosarium in the United States. This bill was likewise reported favorably but met such deter-

mined opposition that it failed to pass the House.— *Congressional Record,* 58th Congress, 3rd Session, pp. 430, 2509, 3908–3911.

Inasmuch as all legislation pertaining to public health and the Marine Hospital Service was referred to the Committee on Interstate and Foreign Commerce it was to be expected that Hepburn would be active in promoting measures of that nature: he coöperated generously with Walter Wyman, the Surgeon-General of the Marine Hospital Service. In 1897, on account of the alarming spread of bubonic plague, he introduced a joint resolution for the inspection by a national quarantine officer of "incoming vessels, vehicles, or persons", and the proposition gained enactment without any serious opposition. The Colonel always favored a national quarantine system.— *Congressional Record,* 54th Congress, 2nd Session, pp. 2164, 2476, 55th Congress, 2nd Session, pp. 74, 2135, 56th Congress, 1st Session, pp. 4888, 6887, 6888, 59th Congress, 1st Session, p. 4696, 60th Congress, 1st Session, pp. 3006, 3007, 4058.

In 1902 Walter Wyman drafted a bill to enlarge the activities of the Marine Hospital Service, principally through cooperation with State health authorities. The measure was introduced in both branches of Congress and passed the Senate first. Hepburn was in charge of the proposition in the House; accordingly, when the Senate bill was referred to the Committee on Interstate and Foreign Commerce he reported it instead of the bill he had introduced. He defended the measure on the floor of the House and it passed on July 1, 1902.— *Congressional Record,* 57th Congress, 1st Session, pp. 5659, 6476, 7755, 7760; clipping 75 in the Hepburn papers; letter from Walter Wyman, dated May 17, 1902.

[335] Meanwhile, in the latter part of June, Colonel Hepburn addressed the graduating class of Oahu College in Honolulu.— Letter from A. F. Griffiths, dated June 30, 1905.

[336] *The Pacific Commercial Advertiser* (Honolulu), July 4, 1905.

"I am a mechanic. I have been a worker all my life. My

sympathies are with those who toil. This sentiment has directed my political life.'' This statement made by Colonel Hepburn a little more than a month before he retired from public life explains his interest in the labor problem. The great industrial development that followed the Civil War taught workmen their class interests and led to organized labor. The violent strikes which resulted from the depression of the seventies caused many people, like Colonel Hepburn, to view all labor organizations with distrust. For years he entertained a notion that there might be an armed conflict between laborers and capitalists, between tenants and landlords. He feared that the use of machinery combined with the growth of population would crowd the labor market and result in industrial revolution. The expansion of human wants, new epoch-making inventions, and stimulation of production by means of a protective tariff constituted to him the only hope of salvation for the nation.— *Congressional Record,* 49th Congress, 2nd Session, p. 2223, 60th Congress, 2nd Session, p. 1542; *Fifth Reunion of the Second Iowa Cavalry Veteran Association,* 1891, pp. 26, 27; Paxson's *The New Nation,* pp. 119, 121.

In many public addresses the Colonel protested against the practice followed by the labor unions of withholding from non-union citizens —''people who propose to act for themselves, who have not surrendered their right to make individual contracts''— the privilege of choosing their own employers, deciding their own wages, selecting congenial environment, and terminating their employment whenever they pleased. When organized labor proposes to enforce its will upon all workmen ''by violence and force, by ostracism, by assaults, by maiming, by murder'', then it ''becomes a menace to society and a peril to the State, and ought to receive the reprobation of all good people'', he thought.— Manuscript copies of speeches in the Hepburn papers; clippings 6 and 19 in the Hepburn papers.

The creation of an executive department to administer commercial and industrial affairs was the subject of Congressional debate for many years. In 1897 Colonel Hepburn introduced a bill to establish a Department of Commerce and Industries.

When the Department of Commerce and Labor was finally established in 1903 the House Committee on Interstate and Foreign Commerce conducted important hearings and Hepburn led the debate in support of the measure on the floor of the House of Representatives. "The bill creating the Department of Commerce and Labor I had as much to do with, possibly more, than any other man", he wrote afterwards to a close personal friend. "The section relating to trusts got its vitality from amendments that I suggested as a member of the Committee of Conference. I received the earnest thanks of the President and of the first Secretary for my persistent and effective labors to put the trusts under the control of the courts through that Department." Hepburn contended that the interests of labor and the interests of capital that employed labor were identical and therefore the opposition to combining labor and commerce in one executive department was based upon the fallacy that labor and capital were inherently antagonistic.— *Congressional Record,* 55th Congress, 2nd Session, p. 74, 57th Congress, 2nd Session, pp. 858, 871, 875; copy of a letter to J. H. Tedford, dated January 23, 1905.

337 Scott's *In the Far East,* pp. 22, 24, 55, 56, 57, 61, 64, 70, 76–78.

338 Scott's *In the Far East,* pp. 107, 109, 110.

339 Scott's *In the Far East,* pp. 267–272.

340 Scott's *In the Far East,* pp. 112, 113, 114, 116, 122, 126, 131.

341 Scott's *In the Far East,* pp. 140, 150, 155, 166, 168.

342 Scott's *In the Far East,* pp. 215, 217, 219, 234, 241, 242.

Colonel Hepburn visited Hawaii again in the spring of 1907. — Letter from William B. Allison, dated July 2, 1907.

On October 7, 1905, a few days after the Colonel and Mrs. Hepburn had returned from the Orient, many of their friends gathered to bid them welcome home. After William Orr had expressed in elegant phrases the esteem of the people of

Clarinda for the noble character and inspirational home life of their distinguished neighbors, the Colonel announced that it had been just fifty years almost to the hour since he and Mrs. Hepburn were married. The friendly reception became a celebration of the golden wedding anniversary.— *The Clarinda Herald,* October 10 and 13, 1905.

CHAPTER XXVI

343 *Congressional Record,* 56th Congress, 1st Session, p. 3976; Meyer's *The Settlements with the Pacific Railways* in *The Quarterly Journal of Economies,* Vol. XIII, pp. 427–444.

344 "I want to see corporations prosper", said Hepburn in 1904. "We cannot live without them, but I do not want to see them become ends for extortion and robbery."— *The Meriden Daily Journal* (Connecticut), May 31, 1904.

345 *Congressional Record,* 53rd Congress, 2nd Session, p. 1688, 54th Congress, 2nd Session, pp. 599–602, 2107. Hepburn's speech on January 9, 1897, in support of the Powers bill which provided for the refunding of the Union Pacific debt is included in Miller's *Great Debates in American History,* Vol. X, pp. 314–316.

346 *Congressional Record,* 54th Congress, 2nd Session, p. 601, 55th Congress, 2nd Session, p. 6729.

347 *Congressional Record,* 55th Congress, 2nd Session, p. 6728.

348 *Congressional Record,* 54th Congress, 2nd Session, pp. 599, 601, 55th Congress, 2nd Session, p. 6730.

In January, 1899, Hepburn stated that he would go "as far as any other man wants to go, in the legitimate and proper control of every corporation that comes within the limits of the powers of the United States", but he was not in favor of government ownership, except in the case of the Nicaragua canal. "There, in the absence of the necessary individual capital, with the delays which have been already suffered, with the necessities and existing conditions, and such an emergency as is created by all of the environments," he was induced to

advocate government ownership.— *Congressional Record,* 55th Congress, 3rd Session, p. 773.

[349] Meyer's *The Settlements with the Pacific Railways* in *The Quarterly Journal of Economics,* Vol. XIII, p. 427.

Colonel Hepburn introduced three bills for the settlement of the government claims against the Pacific railways. Two of them authorized the Secretary of the Treasury to adjust the obligations of the Sioux City and Pacific Railway Company to the United States and the third provided for the settlement of claims growing out of the issue of bonds to aid in the construction of the Central Pacific and Western Pacific railroads. — *Congressional Record,* 54th Congress, 2nd Session, p. 445, 55th Congress, 1st Session, pp. 151, 2604.

[350] Paxson's *The New Nation,* pp. 294, 295; Ripley's *Railroads: Rates and Regulation,* pp. 488–490.

Before the Pacific railway claims were settled the attention of Congress was attracted to the illegal practice of passenger ticket brokerage. To prevent "scalping" the Committee on Interstate and Foreign Commerce reported a bill in 1897 which required all persons selling railroad passenger tickets to display a certificate of their authority. "A railway ticket is a contract," said Hepburn, not a commodity to be bartered, so he thought it was only fair to the public that a person who undertook to impose upon a railroad the responsibility for safe transportation with reasonable expedition and the ordinary comforts of travel should be an authorized agent. In reply to the argument that the prohibition of scalping would destroy competition and result in higher rates the Colonel pointed out that there was nothing to prevent a railroad authorizing its agents to sell tickets at low prices provided the schedule of fare was published. Anti-scalping bills passed the House of Representatives in both the Fifty-fourth and Fifty-fifth Congress but failed in the Senate.— *Congressional Record,* 54th Congress, 2nd Session, pp. 1394, 2475, 2478, 55th Congress, 3rd Session, pp. 34, 39, 50.

[351] Ogg's *National Progress,* pp. 44, 45.

[352] Ripley's *Railroads: Rates and Regulation,* pp. 493, 494; *Congressional Record,* 57th Congress, 2nd Session, pp. 2157–2159.

[353] Ripley's *Railroads: Rates and Regulation,* pp. 491, 494, 496.

[354] *Congressional Record,* 58th Congress, 3rd Session, pp. 12, 13; copy of letter to J. H. Tedford, dated January 23, 1905.

[355] Haines's *Restrictive Railway Legislation,* pp. 286, 287.

Perhaps it was Hepburn's searching cross-examination of a representative of a shippers' association in an effort to discover the truth that prompted a prejudiced correspondent for *The Chicago Daily Tribune* to circulate a malicious and caustic tale that the Colonel browbeat and badgered witnesses who appeared before his committee.— *The Register and Leader* (Des Moines), January 8, 1905.

[356] *House Committee Reports,* 58th Congress, 3rd Session, No. 4093, p. 1; *The Literary Digest,* Vol. XXX, p. 122.

[357] Copy of a letter to J. H. Tedford, dated January 23, 1905; *Congressional Record,* 58th Congress, 3rd Session, pp. 2198, 2199.

[358] *The Sioux City Journal* characterized the Washington correspondents for *The Chicago Daily Tribune* and *The Record-Herald* (Chicago) as "dashing dictators" of Washington news, who assumed that the public was more interested in their clamor than in correct information. "They placard men as the whim seizes them" and become arbiters of the motives of public officials.— *The Sioux City Journal,* February 2, 1905.

[359] *The Register and Leader* (Des Moines), January 22, 23, 27, and 30, 1905; *The Sioux City Journal,* January 24 and 27, 1905.

[360] Clipping 64 in the Hepburn papers; *The Register and Leader* (Des Moines), January 26 and 27, 1905; *Wallaces' Farmer,* January 20 and February 3, 1905.

Henry Wallace could not see that the Hepburn bill would

be of much practical benefit to shippers, while for the producers it provided no relief at all. Certainly it did not invest the Commission with power to put a revised rate "at once into effect and to stay in effect unless and until the court of review reverses it."—*Wallaces' Farmer,* February 3, 1905.

Governor Cummins declared that the measure was radically wrong in theory and "at war with all our notions of the relation between the legislative and judicial branches of the government." In the first place it "enormously and unnecessarily" increased the judiciary of the United States at "an immense burden of expense altogether unwarranted" and with the result of further entangling the "complicated judicial system." He thought that the feature of the bill which delayed for sixty days the operation of a rate established by the Commission and then permitted "the railway company to indefinitely postpone or suspend it" if the court feared the rate might be unreasonable was clearly unfair. Why should the right of appeal be granted to the railroad and not to the shipper? Furthermore, the Governor did not approve of a new or larger Interstate Commerce Commission.—*The Register and Leader* (Des Moines), January 26, 1905.

361 *The Sioux City Journal,* February 1, 1905; *Decatur County Journal* (Leon), February 9, 1905; *The Register and Leader* (Des Moines), February 7, 1905; *Congressional Record,* 58th Congress, 3rd Session, pp. 2194, 2205, 2206.

362 *The Register and Leader* (Des Moines), February 10 and 11, 1905.

363 *Congressional Record,* 58th Congress, 3rd Session, pp. 1954, 2081, Appendix, p. 76; *The Sioux City Journal,* February 2, 1905.

364 *The Register and Leader* (Des Moines), January 22, 1905; *Wallaces' Farmer,* February 17, 1905; *Congressional Record,* 58th Congress, 3rd Session, p. 2194.

365 *Adams County Union-Republican* (Corning), February 22, 1905.

366 Letter to Mrs. William P. Hepburn, dated September 2, 1863; letter from T. O. Bell, dated February 14, 1905; copy of a telegram to Henry Wallace, dated February 20, 1905; *The Register and Leader* (Des Moines), February 24, 1905.

367 *The Register and Leader* (Des Moines), February 24, 1905; *Adams County Union-Republican* (Corning), March 1, 1905.

368 It appears, however, that Henry Wallace was not convinced of Hepburn's honesty of purpose. A few days later in a newspaper statement which smacked of egotism and chagrin he expressed gratification "at being able, after some eight months of continuous effort, to force from Colonel Hepburn a statement of his position", though he regretted having compelled the Colonel to leave Washington where his services were greatly needed and travel twenty-five hundred miles to present his "certificate of char-ac-ter" from the President. He ridiculed the assertion that Hepburn had promoted practically every piece of railroad legislation, and he covertly insinuated that the Colonel had worked for the Esch-Townsend bill only because he knew it would not pass the Senate.— *The Register and Leader* (Des Moines), February 26, 1905.

In striking contrast to the attitude of Mr. Wallace was the action of the Committee on Interstate and Foreign Commerce in adopting the following resolution: "In almost daily meetings of our committee during the last two sessions of congress the chairman, Col. W. P. Hepburn, has never been questioned. His fairness and impartiality are recognized by all. We particularly desire to express our appreciation of his honesty of purpose, his sincerity of intention, his lack of selfish motives, his unfailing patience, his continued good natured persistence and his broad and thorough knowledge of the subject, which enabled this committee, without friction and without animosity, to report majority and minority bills concerning the regulation of railway rates. We feel that with him as chairman we are serving under a great statesman and philosopher, inspired in all his actions by motives of patriotism."— *The Semi-Weekly Iowegian* (Centerville), March 3, 1905.

[369] Ripley's *Railroads: Rates and Regulation*, p. 499; copy of a letter to Jerome Smith, dated March 7, 1905.

In May, 1905, William P. Hepburn was officially delegated to attend the International Railway Congress in Washington. — Certificate signed by Alvey A. Adee, dated March 24, 1905, in the Hepburn papers.

[370] *Congressional Record*, 59th Congress, 1st Session, p. 92.

[371] Earlier in the session Jonathan P. Dolliver had introduced a bill in the Senate which, in all the essential features, was almost identical with Hepburn's bill. Senator Dolliver was supposed to have had the coöperation of President Roosevelt and to have followed the recommendations of the Interstate Commerce Commission. It is interesting to observe how some newspaper editors who were hostile to Colonel Hepburn but praised the Dolliver bill experienced considerable difficulty in finding defects in the Hepburn measure.— *The Register and Leader* (Des Moines), December 21, 1905, and January 5 and 6, 1906.

[372] *Congressional Record*, 59th Congress, 1st Session, pp. 577, 712; H. R. Bill No. 10,099, 59th Congress, 1st Session.

[373] *Congressional Record*, 59th Congress, 1st Session, pp. 981, 1520; *The Register and Leader* (Des Moines), January 11, 1906; *House Committee Reports*, 59th Congress, 1st Session, No. 591, pp. 1, 2; *The Outlook*, Vol. LXXXII, p. 237.

Colonel Hepburn was frequently commended during the debate in the House for his efforts to regulate the railroads and the mention of his name was invariably greeted with applause. One speaker hoped the chairman of the new Interstate Commerce Commission would possess "such rugged strength, such sterling integrity, and such ability, and such wisdom, such ripened experience, and genuine manhood" as the author of the rate bill.— *Congressional Record*, 59th Congress, 1st Session, pp. 1904, 2252.

[374] H. R. Bill No. 11,488, 59th Congress, 1st Session.

[375] *Current Literature*, Vol. XL, p. 242.

376 *Current Literature,* Vol. XL, p. 244; *Congressional Record,* 59th Congress, 1st Session, pp. 1765, 2255, 2257–2263, 2265, 2269, 2303. Colonel Hepburn afterward stated on the floor of the House that the members of the Committee on Interstate and Foreign Commerce had agreed to secure the enactment of the rate recommendations of the President and nothing more. They had therefore defeated every amendment without regard to their personal views.— *Congressional Record,* 59th Congress, 1st Session, p. 7432.

377 *Senate Committee Reports,* 59th Congress, 1st Session, No. 1242, p. 1; *Congressional Record,* 59th Congress, 1st Session, p. 2968; Dixon's *The Interstate Commerce Act as Amended* in *The Quarterly Journal of Economics,* Vol. XXI, pp. 23, 24.

President Roosevelt regarded the action of the Committee on Interstate Commerce in making Senator Tillman sponsor of the rate bill as "simply childish".— Roosevelt's *An Autobiography,* p. 475.

378 Ripley's *Railroads: Rates and Regulation,* p. 498.

379 *Congressional Record,* 59th Congress, 1st Session, pp. 3102, 3105, 3108.

380 *The Register and Leader* (Des Moines), March 2, 1906; *Congressional Record,* 59th Congress, 1st Session, pp. 6785, 7088.

381 Roosevelt's *An Autobiography,* p. 476; *The Annals of the American Academy of Political and Social Science,* Vol. XXIX, p. 298; *The Nation,* Vol. LXXXII, pp. 127, 374.

382 *House Committee Reports,* 59th Congress, 1st Session, No. 4659.

383 *House Committee Reports,* 59th Congress, 1st Session, No. 4659; *Congressional Record,* 59th Congress, 1st Session, p. 7434.

384 *Congressional Record,* 59th Congress, 1st Session, pp. 7851, 7852, 7921, 7922, 7932, 7998, 9106; telegram from H. C.

Callaway to Theodore Roosevelt, dated June 5, 1906, in the Hepburn papers.

385 *House Committee Reports,* 59th Congress, 1st Session, Nos. 5003, 5076.

386 *Congressional Record,* 59th Congress, 1st Session, pp. 9079–9084, 9101, 9113, 9258, 9521, 9576, 9586, 9655, 9807.

Senator Tillman, chief advocate of a stringent commodity clause, refused to sign the second and third conference reports because he believed the exemption of pipe lines from the list of carriers prohibited from transporting their own products was a sinister concession to the Standard Oil Company.— Jones's *The Commodity Clause Legislation and the Anthracite Railroads* in *The Quarterly Journal of Economics,* Vol. XXVII, pp. 579–587.

387 Ripley's *Railroads: Rates and Regulation,* p. 499; Dixon's *The Interstate Commerce Act as Amended* in *The Quarterly Journal of Economics,* Vol. XXI, p. 25.

Hepburn's interest in railroad legislation was by no means confined to rate making. On April 2, 1900, he introduced a bill requiring railroad officials to investigate and report to the Interstate Commerce Commission all passenger train accidents. Somewhat amended the measure passed Congress and was approved by President McKinley on March 3, 1901. As chairman of two House conference committees Hepburn was instrumental in securing the enactment of a law in 1907 limiting the hours of employment of trainmen and train dispatchers. In the summer of 1907 he made a trip to Europe for the special purpose of studying the transportation problem. Most of the time from July to October he spent in England and Scotland. — *Congressional Record.* 56th Congress, 1st Session, pp. 3662, 6838, 2nd Session, pp. 3493, 3603, 3762, 59th Congress, 2nd Session, pp. 3762, 4621; clipping 22 in the Hepburn papers.

CHAPTER XXVII

388 In 1902 Hepburn spoke in favor of more stringent regulation of the manufacture of oleomargarine.— *Congressional Record,* 57th Congress, 1st Session, p. 1311.

[389] *Congressional Record,* 49th Congress, 1st Session, pp. 4902, 4903; *House Committee Reports,* 59th Congress, 1st Session, No. 2118, pp. 6, 7.

[390] *Congressional Record,* 56th Congress, 1st Session, pp. 3500, 5396, 57th Congress, 1st Session, pp. 967, 7337, 7782.

[391] *Congressional Record,* 57th Congress, 1st Session, pp. 184, 3589; *House Committee Reports,* 57th Congress, 1st Session, No. 1319.

[392] *Congressional Record,* 57th Congress, 2nd Session, pp. 203, 452, 453, 458.

[393] *Congressional Record,* 57th Congress, 2nd Session, pp. 458, 590, 2647, 2966, 2967.

[394] *Congressional Record,* 58th Congress, 1st Session, p. 495, 2nd Session, pp. 59, 849, 878, 880, 886, 894, 899, 900, 929, 938–940.

[395] *Congressional Record,* 58th Congress, 2nd Session, pp. 2848, 5695, 3rd Session, pp. 64, 127, 128, 261–263, 3845–3849, 3852–3855.

[396] *Congressional Record,* 59th Congress, 1st Session, pp. 140, 202, 897, 2773, 3489, 4454, 4456, 6468, 7033, 8018, 8836, 8890; *The Register and Leader* (Des Moines), June 4, 1906.

[397] *Congressional Record,* 59th Congress, 1st Session, pp. 8889–8891.

[398] *Congressional Record,* 59th Congress, 1st Session, pp. 6465, 8893–8897, 8955, 8956.

[399] *Congressional Record,* 59th Congress, 1st Session, pp. 9075, 9076, 9111, 9172, 9379–9381, 9655, 9737, 9738, 9740, 9801.

[400] *Congressional Record,* 59th Congress, 1st Session, p. 9738.

[401] *The Clarinda Herald,* July 13, 1906; clipping 740 in the Hepburn papers.

The following telegram from President Roosevelt was read

at the reception: "I heartily congratulate you on having such a representative as Colonel Hepburn. His services during this session, both in the matter of the rate bill and the Panama Canal bill, have been of inestimable value to the whole country."

CHAPTER XXVIII

[402] Preceding the selection of William P. Hepburn for the chairman of the Republican caucus of the House of Representatives in 1903 he had been a candidate for the Speakership. The same caucus that made him chairman nominated Joseph G. Cannon, the former caucus chairman, for Speaker.—See below, Chapter XXIX; *The Iowa State Register* (Des Moines), December 1, 1901; *The Register and Leader* (Des Moines), November 8, 1903.

Hepburn's power as Republican caucus chairman and his dislike for "independent" candidates is illustrated by an incident in connection with the organization of the Sixtieth Congress. Peter A. Porter had been elected on an independent ticket from a New York district and received the endorsement of the Democratic convention. Hepburn declared he was no Republican. Porter retorted that even the decision of the "omnipotent gentleman from Iowa" could not make him a Democrat, and he refused to join the Democratic caucus. He was finally admitted by the Republicans.—*Lockport Daily Journal* (New York), November 30, 1907; *Buffalo News* (New York), December 1, 1907.

[403] *Keokuk Gate City*, February 5, 1916; *Who's Who in America*, 1914–1915, p. 1093.

Hepburn was a member of the commission to supervise the construction of the House Office Building from March 4, 1903, until he resigned at the end of his last term in Congress.—*Congressional Record*, 57th Congress, 2nd Session, p. 3078, 60th Congress, 2nd Session, p. 3802.

[404] Haynes's *Third Party Movements*, p. 463.

[405] *The Register and Leader* (Des Moines), February 9,

October 8, and November 10 and 14, 1905; *The Semi-Weekly Iowegian* (Centerville), February 7, 1905; letter from Lewis Miles to J. W. Blythe, dated October 20, 1905.

406 *The Register and Leader* (Des Moines), December 3, 1905; copy of a letter to Dan W. Turner, dated November 21, 1905.

407 Haynes's *Third Party Movements*, p. 461; letters from J. W. Blythe, dated December 28, 1905, and March 23, 1906; letters from J. H. Tedford, dated April 27 and May 23, 1906; letter from C. N. Marvin, dated October 17, 1906.

408 At the same time Mr. Blythe was absolutely opposed to the passage of the Hepburn rate bill. In a personal letter to the Colonel he declared that it was "very little, if any, better than the worst bills that have been offered".—Letter from J. W. Blythe, dated February 5, 1906.

409 Letters from J. W. Blythe, dated December 4 and 28, 1905, February 5 and 24, and March 23, 1906; letter from C. A. Lisle, dated February 14, 1906; letter from Paul Maclean, dated April 5, 1906; letter from J. N. Miller, dated April 4, 1906; copy of a letter by W. P. Hepburn, dated March 31, 1906; *The Ringgold Record* (Mount Ayr), April 5, 1906; *The Register and Leader* (Des Moines), August 1, 1906; letter from C. N. Marvin, dated October 17, 1906; copy of a letter to J. M. Wilson, dated September 7, 1908.

410 *The Ringgold Record* (Mount Ayr), May 3, 1906; *The Clarinda Herald*, June 5, 1906; telegram from J. J. Jamison, dated June 5, 1906.

411 Letter from C. N. Marvin, dated September 27, 1906; letter from M. L. Temple, dated November 9, 1906; copy of letter from F. D. Ickis to F. P. Woods, dated October 22, 1906; *Iowa Official Register*, 1907–1908, p. 507.

412 Letters from J. H. Tedford, dated November 7 and 22, 1906; letter from Howard Tedford, dated November 5, 1906; letter from J. W. Blythe, dated November 19, 1906; letter

from Smith McPherson, dated November 7, 1906; letter from J. L. Waite, dated November 8, 1906.

413 *Congressional Record,* 59th Congress, 1st Session, p. 5936. This quotation is the conclusion of a long speech in defense of a protective tariff, delivered in the House of Representatives on April 26, 1906, in reply to John S. Williams, Champ Clark, and other Democrats.

414 "I believe that that state or nation is best governed when there are two contending parties, each with ideas and each in turn responsible for the good or bad that comes to the state", said Hepburn in 1915. The members of third parties, he declared in 1900, "who insisted that all corruption was to be found in the two old parties and that all purity was to be found in theirs, these gentlemen who claimed the necessity for organizing a new party because the two old parties had forgotten their duty and were recreant to their obligations — these gentlemen, after announcing principles, after eulogizing them upon the stump, are always ready to sacrifice them, always ready to let them slip by if they can secure an advantage for themselves".— *Iowa House Journal,* 1915, p. 826; *Congressional Record,* 56th Congress, 1st Session, p. 837.

415 Letter from William F. Stipe, dated January 23, 1908.

416 Letter from Melvin H. Byers, dated February 10, 1908; letter from M. L. Temple, dated April 18, 1908; letter from F. H. Landes to W. F. Stipe, dated May 11, 1908.

417 Letter from W. F. Stipe to H. E. Morrison, dated May 8, 1908; letters from E. C. Haynes to W. F. Stipe, dated May 3 and 11, 1908; letter from Simon Jarvis to W. F. Stipe, dated May 11, 1908; letter from J. H. Luse to W. F. Stipe, dated May 10, 1908; letter from J. W. Wailes to W. F. Stipe, dated May 13, 1908; letter from John Miner to W. F. Stipe, dated May 11, 1908; letter from Charles Gray to W. F. Stipe, dated May 11, 1908.

418 *The Register and Leader* (Des Moines), May 28, 1908; letter from Willard F. Stookey to W. F. Stipe, dated May 13,

1908; letter from J. H. Tedford to W. F. Stipe, dated May 20, 1908; copy of a letter to J. M. Wilson, dated September 7, 1908.

[419] *Iowa Official Register*, 1909–1910, pp. 598–600, 612.

[420] *The Clarinda Herald*, June 5, 1908; copy of a letter to John Verner, dated February 28, 1908.

[421] Mrs. W. P. Hepburn also occupied a seat upon the platform with the political dignitaries. It had long been her custom to attend political conventions with her husband and accompany him on long journeys. Throughout the years of married life Mrs. Hepburn was the constant companion, confidant, and adviser of her husband whose devotion to his wife grew more profound as the years passed. Their attendance at the State convention in June, 1908, revived dim memories of Waterloo as a country village on the west bank of the Cedar River nearly fifty-three years before when they, happy in the companionship of recent marriage and inspired by the autumnal hues of a glorious Indian summer, drove through the incipient city in search of a suitable place to found their home. — *Waterloo Daily Reporter*, June 24 and 25, 1908.

[422] *Waterloo Daily Courier*, June 25, 1908; *Waterloo Daily Reporter*, June 25, 1908.

The sudden death of William B. Allison on August 4th opened the way to the Senate for Albert B. Cummins. In view of the "division of sentiment" among his friends, Colonel Hepburn did not think it wise "to be an active supporter of anybody." He himself received two votes in the extra session of the General Assembly which met on August 31st to amend the direct primary election law and elect a Senator to complete Allison's unexpired term.— Copy of a letter to J. M. Wilson, dated September 7, 1908; *Iowa House Journal* (Extra Session), 1908, p. 42; Clark's *History of Senatorial Elections in Iowa*, pp. 254, 255.

[423] Colonel Hepburn worked earnestly to improve the postal facilities in the eighth district. Through his influence more

than two hundred and fifty rural mail routes were established, a number probably not exceeded in more than two other Congressional districts in the United States. Moreover, he adopted the policy of obtaining a government building for every second class post office in the district. The first bill he introduced in Congress provided for a $100,000 building in Council Bluffs — then the only city in the district with an office above third class. That measure became a law in 1882. — Copy of a letter to W. T. Long, dated March 9, 1908; clipping 110 in the Hepburn papers; *Congressional Record,* 47th Congress, 1st Session, pp. 98, 958, 4242; *House Committee Reports,* 47th Congress, 1st Session, No. 277.

When Hepburn returned to Congress in 1893 the Creston post office had become second class, and so the first bill he introduced was for the erection of a public building. To secure a building for a post office alone in a city of less than seven thousand population was no easy task, however, and it was not until 1899 that he secured the authorization of a $50,000 structure in Creston. Even then the legislation was accomplished only by a promise that a division of the southern federal judicial district of Iowa would be established with court and judicial offices at Creston so that the new building would serve a double purpose.— *Congressional Record,* 53rd Congress, 1st Session, p. 1396, 54th Congress, 1st Session, p. 159, 55th Congress, 3rd Session, pp. 380, 1580, 2932; *Census of Iowa,* 1895, p. 152.

The southern division of the southern federal judicial district of Iowa with the court held in Creston was established by law in 1900.— *United States Statutes at Large,* Vol. XXXI, p. 249.

The post office at Centerville had become second class by 1901, and Hepburn obtained the authorization of a $35,000 one story building there. The amount was subsequently raised to $40,000. Then Clarinda and Shenandoah became second class offices simultaneously, and Hepburn undertook the difficult work of securing buildings for the two towns of scarcely more than four thousand population located in the

same county. He began by introducing a bill for a public building at Clarinda to cost $80,000; and later he went to his personal friends on the Committee on Appropriations and proposed to divide the $80,000 between the two places. After "a good deal of trouble" he succeeded, during the first session of the Fifty-ninth Congress, in having a $40,000 building authorized for Clarinda and $5000 appropriated to purchase a site in Shenandoah. During the second session of the Fifty-ninth Congress no new public buildings were authorized, and so it was not until 1908 that a $50,000 building was authorized for Shenandoah.— *United States Statutes at Large,* Vol. XXXII, Pt. 1, pp. 316, 1205, Vol. XXXIV, Pt. 1, pp. 778, 782, 792, 794, 1236, 1296, Vol. XXXV, Pt. 1, pp. 483, 526, 957; *Census of Iowa,* 1905, pp. 668, 677; letter to H. E. Deaier, dated March 19, 1907.

[424] Copy of a letter from Theodore Roosevelt to W. B. McKinley, dated September 9, 1908; typewritten copy of resolutions adopted in 1908 by the Page County Republican convention in the Hepburn papers; *Waterloo Daily Reporter,* June 24, 1908.

[425] *The Clarinda Herald,* June 5, 1908; *The Register and Leader* (Des Moines), November 22, 1908.

[426] *The Register and Leader* (Des Moines), November 22 and December 14, 1908; *The Sioux City Journal,* February 3, 1909. See also note 427.

[427] *The Register and Leader* (Des Moines), November 22, 1908; letter from T. S. Stevens, dated November 4, 1908; letter from Scott Skinner, dated November 5, 1908; letter from W. M. Reece, dated November 8, 1908; letter from M. L. Temple, dated November 9, 1908; letter from Howard Tedford, dated November 8, 1908; letter from J. C. McDonald, dated November 12, 1908; *Council Bluffs Nonpareil,* February 10, 1916.

[428] *Iowa Official Register,* 1909–1910, p. 502.

[429] The splendid work of the United States Revenue Cutter

Service in the war with Spain directed attention to the fact that the pay and privileges of that service were inferior to the Army and Navy, though the duty was scarcely less arduous in times of peace than in war. On January 18, 1898, William P. Hepburn introduced a bill increasing the pay of chief engineers, appointing a naval constructor, and granting pensions to seamen in the Revenue Cutter Service, and another authorizing the construction of new vessels; but neither of these bills was reported to the House. In June the Committee on Interstate and Foreign Commerce reported unanimously in favor of a committee bill which made military regulations relating to enlistment, discipline, and uniforms applicable to the Cutter Service, but the House took no action. Again, in 1899, Colonel Hepburn introduced a bill to "promote the efficiency of the Revenue-Cutter Service" which was reported with an amendment but given no further consideration.— *Congressional Record,* 55th Congress, 2nd Session, pp. 743, 6204–6206, 3rd Session, pp. 1371, 1778.

Early in January, 1900, Hepburn introduced a measure, identical with one sponsored by William P. Frye in the Senate, to promote efficiency in the Revenue Cutter Service by establishing the rank and salary of the officers on a par with corresponding grades in the Army and Navy, providing for longevity pay and retirement from active service, and requiring the Army and Navy to recognize Revenue Cutter officers by exchange of military courtesies. Although this bill was reported favorably to both the House and Senate and was the subject of much favorable comment neither branch of Congress did more than debate the proposition. Colonel Hepburn made a vigorous fight for the Revenue Cutter Service in the House but Congress adjourned before he could obtain a vote. "I believe this bill ought to pass", he said during the debate. "There is an objection in the minds of many, fearing that it creates something in the nature of a civil pension. I want to remind you that the duties of these officers are not civil any more than are the duties of a naval officer. The difference between the two is this: A naval officer in time of peace has

nothing to do. When we are at war the revenue-cutter officer does all that the naval officer does, and when we are at peace he then takes up the vocation of an aid to the Secretary of the Treasury in collecting the customs revenue.'' In view of their arduous duties, he declared, no class of men in the public service were so poorly paid. Furthermore, there was no permanent provision for retirement and consequently officers who had passed the age of usefulness still filled the higher places to the exclusion of younger and more efficient men.— *Congressional Record,* 56th Congress, 1st Session, pp. 694, 762, 2nd Session, pp. 2918, 3236, 3248; *House Committee Reports,* 56th Congress, 1st Session, No. 466; favorable editorials relating to the Revenue Cutter Service in the Hepburn papers.

In the first session of the Fifty-seventh Congress Senator Frye and Colonel Hepburn again introduced companion bills with practically the same provisions as before for promoting the efficiency of the Revenue Cutter Service. The measure passed the Senate, and having been referred to the House Committee on Interstate and Foreign Commerce it was reported in lieu of the Hepburn bill. Determined opposition led by James R. Mann was encountered in the House. The substance of the arguments advanced by opponents of the bill during the debate which lasted parts of four days was that the Revenue Cutter Service was civil in character and that the retirement of Revenue Cutter officers on pay would mark the beginning of civil service pensions. Friends of the measure were in the majority, however, and when Representative Mann took the floor to close the debate for the negative he admitted the feebleness of his remarks, especially since he would be followed by ''the ablest orator and debater in the House'' for whose judgment he professed great respect and in comparison to whose ability he acknowledged his own unworthiness ''even to unloosen the latchets of his shoes.'' He warned the Congressmen against being carried away by Colonel Hepburn's eloquence.— *House Committee Reports,* 57th Congress, 1st Session, No. 622; *Congressional Record,* 57th Congress, 1st Session, pp. 141, 290, 1825, 1826, 3357, 3360, 3623.

With his accustomed precision and lucidity the Colonel explained the purposes of the bill. The only foundation he could discover for the contention of his opponents that the Revenue Cutter Service was not military in character seemed to be that the cutters did not fight except in time of war. "Why, my God, my friends, when would you have them fight?" he exclaimed. "Do you want them so organized as is my friend from Illinois, who is ready to fight all the time and everything? When I have observed that peculiarity on the part of my friend from Illinois I have thought that if the theory of transmigration of souls is true and he hereafter appeared as a later incarnation, he would have the semblance of a mule with four hind legs all in active operation."

With consummate skill Colonel Hepburn replied to one argument after another that had been advanced by Mr. Mann. He quoted the opinions of Secretaries of the Navy and Treasury — men who knew "something about the subject" in contrast to the gentleman from Illinois who had spent eighteen months unearthing frauds and "bringing these reptiles of the sea into full view" — to prove that the service was naval in character and worthy of retirement with pay. Eloquent indeed were the pictures he painted of the hazards, hardships, and the heroism of the Revenue Cutter Service. Efforts of opponents to defeat the measure by destructive amendments and dilatory motions were frustrated and the long-delayed, "meritorious and just" bill passed Congress on April 3, 1902, and was approved nine days later.— *Congressional Record,* 57th Congress, 1st Session, pp. 3626–3628, 3639, 4031.

In 1904 and again in 1907 Colonel Hepburn introduced bills to promote the efficiency of the Revenue Cutter Service, the latter at the request of Leslie M. Shaw, Secretary of the Treasury, but neither of these measures was reported to the House by his Committee. In 1906 a bill to regulate enlistments and discipline in the Service passed the Senate, and Hepburn supported it successfully in the House. Early in the first session of the Sixtieth Congress companion bills to increase the number of officers and the pay in the Revenue Cutter Ser-

vice were introduced in the House and Senate by Hepburn and Frye at the urgent request of the Secretary of the Treasury. The Senate bill passed first without debate and was agreed to by the House with very little discussion.— *Congressional Record,* 58th Congress, 2nd Session, p. 1646, 59th Congress, 1st Session, pp. 7183, 7184, 2nd Session, p. 2256, 60th Congress, 1st Session, pp. 135, 224, 916, 4555–4560; letter from L. M. Shaw, dated January 7, 1907; letter from Worth G. Ross, dated January 8, 1908.

Busy with the problems that grew out of the regulation of commerce Colonel Hepburn nevertheless retained the interest in military affairs that he had gained by years of active service. Perhaps it was the recollection of Civil War recruiting methods that prompted him to suggest in 1894 that the expense of recruiting the army if paid in the form of bounties to the soldiers, would relieve many officers and soldiers for field service and go a long way toward solving the problem of desertion. Army reorganization based on Spanish War experience drew from the Colonel remarks on the length of the battle line that should be occupied by a regiment, the number of officers in proportion to enlisted men, and the promotion of volunteer officers. He would have had the supply departments of the army filled by civilians, in order that the experience of experts in transportation and business might be utilized. This opinion was prophetic of the methods employed so successfully by the United States in the World War. To increase the efficiency of the Signal Corps, which he realized was displacing the cavalry as the eye of the army, he proposed in 1908 that the personnel be increased, that the resultant promotions be according to seniority, and that the officers and men assigned to duty with troops should constitute part of the line of the army. The interest of Colonel Hepburn in the Signal Corps was determined somewhat no doubt by the fact that his son, Charles B. Hepburn, was a captain in that branch of the army. Coast defences he thought should not be neglected on account of the tendency to rely upon the Navy for protection against invasion. The practice of hazing at the

United States military and naval academies was bitterly denounced by the Colonel, not only because it was in violation of the law but because it trained future officers in tyranny and disqualified them to command American citizens.— *Congressional Record*, 43rd Congress, 3rd Session, pp. 375, 376, 55th Congress, 2nd Session, pp. 3622, 3625, 3626, 3rd Session, p. 2684, 56th Congress, 1st Session, p. 4231, 2nd Session, pp. 71, 84, 57th Congress, 2nd Session, p. 799, 59th Congress, 1st Session, pp. 4240, 4241, 4247; copy of H. R. Bill No. 12,890, 60th Congress, 1st Session, in the Hepburn papers.

Colonel Hepburn was always an advocate of preparedness but he was absolutely "opposed to the civil branch of the Government being dominated by the military." He felt that the functions of the Navy and War Departments were being usurped by the Army and Navy officers who had no business there. "We ought not to yield to the encroachments of a military class", he declared.— *Congressional Record*, 56th Congress, 2nd Session, p. 3087, 57th Congress, 1st Session, p. 5578.

In the judgment of the Colonel less time should be spent in maneuvers to perfect the appearance of soldiers and more attention devoted to target practice to increase their efficiency. He recalled that his regiment in the Civil War had drilled for months in evolutions and tactics that were never used in actual service while accurate shooting was neglected with the result that more than a hundred cartridges were discharged to kill or wound a single enemy. He consistently advocated larger appropriations for target practice both in the Army and Navy, but considered the expenditure of funds for militia encampments as "an absolute waste of money." Liberal in expenditures for proper purposes, he was nevertheless vigilant in detecting extravagance. He particularly denounced the practice of paying enormous profits to monopolistic companies for armor plate and smokeless powder.— *Congressional Record*, 55th Congress, 3rd Session, pp. 1324, 2249, 57th Congress, 2nd Session, pp. 799, 2323, 59th Congress, 2nd Session, pp. 844, 1111.

In 1909 Colonel Hepburn led the fight in the House for two new battleships. His observation taught him that the time for universal peace had not yet arrived and that the nation least assailed and most secure "has the largest armies and the most efficient and disciplined navy." The contention of James A. Tawney that the sole purpose of building more battleships "was because of an ambition to excel in naval architecture" he scouted "as an insult to the American people." In less than a century the United States engaged in four wars for every one of which the country was unprepared. After ridiculing the attitude that America had no need of armament the Colonel declared that "if an insult comes to our Government from any foreign government, there will be reparation or war. Why talk about peace when we recognize that fact?" As for himself he wanted "such a navy as will suggest to our proposed assailants that there is peril in the assault."—*Congressional Record*, 59th Congress, 1st Session, p. 8886, 60th Congress, 2nd Session, pp. 1306, 1307.

[430] Telegram from G. D. Perkins, dated November 4, 1908; letter from I. P. Wanger, dated November 5, 1908; letter from C. H. Grosvenor, dated November 14, 1908; letter from William Richardson, dated November 12, 1908; letter from C. A. Stanton, dated November 5, 1908; letter from Frank Hammond, dated November 11, 1908; letter from Milton Remley, dated November 5, 1908; letter from W. A. Glassford, dated November 5, 1908; letter from Worth G. Ross, dated November 9, 1908; letter from Francis E. Hamilton, dated November 8, 1908; telegram from W. H. Taft, dated November 6, 1908; letter from Theodore Roosevelt, dated November 7, 1908.

[431] Letter to Hepburn Chamberlain, dated November 10, 1908; copy of a letter to D. W. Turner, dated November 21, 1905.

[432] Letter from M. L. Temple, dated November 9, 1908; letter from J. M. Hedge, dated November 17, 1908; letter from Warren F. Thummel, dated November 25, 1908; copy of a letter to J. J. Jamison and M. L. Temple, dated December 3,

1908; copy of a letter to M. L. Temple, dated February 10, 1909; clipping 408 in the Hepburn papers. See also *The Register and Leader* (Des Moines), November 28 and December 21, 1908, for unfavorable comment.

433 Letter from A. B. Thornell, dated November 5, 1908; letter to A. B. Thornell, dated November 10, 1908; *The Sioux City Journal,* November 5 and 6, 1908.

434 Letter to John N. Miller, dated December 7, 1909; letter from W. H. Taft to W. C. Adamson, dated June 5, 1909.

CHAPTER XXIX

435 *New York Tribune,* February 9, 1916.

436 Hepburn's proposed amendment to the rules making it obligatory for the Speaker to recognize any member, if in order, was defeated by a vote of fifty to eighty-five.— *Congressional Record,* 53rd Congress, 1st Session, p. 1147.

437 *Congressional Record,* 53rd Congress, 1st Session, pp. 1043, 1144, 1145, 54th Congress, 1st Session, p. 575.

438 *Congressional Record,* 55th Congress, 1st Session, pp. 16–18; Smith's *Parliamentary Reform in the National House of Representatives* in *The Chautauquan,* Vol. XXX, p. 239.

439 *Congressional Record,* 55th Congress, 3rd Session, pp. 1874, 1877, 1953.

At another time when a minority member suggested that any ruling of the Chair was subject to the will of the House on an appeal from that decision, Hepburn pronounced it a "most astonishing declaration". When reminded of his vote to override the decision of the Chair in connection with the Nicaragua canal bill he replied that he had so voted not for the purpose of changing the rules but because he believed a particular rule had been improperly interpreted.— *Congressional Record,* 58th Congress, 2nd Session, pp. 3146, 3147.

440 William P. Hepburn was prominently mentioned to succeed Thomas B. Reed as Speaker of the House of Representatives in 1899, but long before the Fifty-sixth Congress con-

vened it was known that David B. Henderson would be the choice of the Republicans.— Clipping 586 in the Hepburn papers.

441 *The New York World* (Tri-weekly), December 1, 1899; *The Iowa State Register* (Weekly, Des Moines), December 8, 1899; *The Chautauquan*, Vol. XXX, p. 242.

442 In the allotment of seats for the Fifty-sixth Congress, Colonel Hepburn was compelled to go to the "Cherokee Strip" on the Democratic side of the House. He was received with applause by the Democrats.— *The Burlington Hawk-Eye* (Weekly), December 7, 1899.

443 *The New York World* (Tri-weekly), December 4, 1899; *Congressional Record*, 56th Congress, 1st Session, pp. 6, 7.

444 Hepburn suggested that the proper size of the House of Representatives might be determined by restoring the original ratio of numerical strength that had been established between the House and the Senate. In the First Congress there were twenty-six Senators and sixty-five Representatives, which Hepburn interpreted to mean that the political power of a Senator should be two and one-half times as great as that of a Representative. On that basis there would have been two hundred and twenty-five Representatives in 1901, while as a matter of fact there were three hundred and fifty-seven.— *Congressional Record*, 56th Congress, 2nd Session, p. 658.

445 *Congressional Record*, 56th Congress, 2nd Session, pp. 658, 659.

Much as he desired a revision of the rules that would permit more freedom of debate and individual initiative, there were times when the Colonel himself was forced to support the most arbitrary procedure. He was "especially aggrieved" by the action of the minority at the end of the last session of the Fifty-seventh Congress when the Democrats attempted to prevent the passage of the great appropriation bills by filibuster. "I have for a long time been complaining of the severity and rigor of the rules as they have been adopted," said Hepburn, "and especially do I dislike being compelled in

the public service and in order that righteousness may prevail to force upon you other rules that are still more hateful to my sensibilities.'' Unpleasant though it was, however, he warned the opposition that their efforts would be abortive, and that the necessary legislation would be enacted.— *Congressional Record,* 57th Congress, 2nd Session, p. 2921.

446 Previous to the caucus meeting Speaker Henderson conferred with Colonel Hepburn on the subject of rules.— Letter from D. B. Henderson, dated November 25, 1901.

447 The restoration of the ''morning hour'' would have made special orders from the Committee on Rules almost unnecessary.

448 *The New York Times,* December 1, 1901.

449 *Congressional Record,* 57th Congress, 1st Session, pp. 46, 47.

450 Other men who were suggested for the Speakership were Joseph G. Cannon, James S. Sherman, Sereno E. Payne, Theodore E. Burton, Charles E. Littlefield, James A. Tawney, and Charles H. Grosvenor.— *The Des Moines Daily Capital,* September 18, 1902.

451 *The Register and Leader* (Des Moines), September 17 and 24, 1902.

Advocates of reciprocity with Cuba urged that it would alleviate suffering on the island. Even if it was not true that the Cubans were all employed at unusually high wages, Hepburn denied that reciprocity would fulfill a ''charitable and kindly purpose.'' With only one sugar buyer in the United States, undisturbed by competition, sugar prices would not be fixed by the Cubans, and the ''kindly aid'' for ''destitute Cubans'' would fill the coffers of the sugar trust. Furthermore, it was proposed that the Cubans should adopt the exclusion laws, contract labor laws, and immigration laws of the United States at a time when nine-tenths of the island was not cultivated on account of the lack of labor. ''What will the critic of the future . . . . say of the generosity of

the United States?'' exclaimed Hepburn. Finally, he feared that the contemplated twenty per cent reduction of the duty on Cuban sugar would destroy the infant beet-sugar industry in the United States. When the Cuban reciprocity bill passed the House in November, 1903, Hepburn reluctantly voted in the affirmative. ''I do it because the large majority of my associates seem to think that it is necessary, because the Administration very heartily approves of it, because the last Republican State convention of the State of Iowa declared in favor of it'', said he in explanation.— *Congressional Record,* 57th Congress, 1st Session, pp. 4382, 4383, 58th Congress, 1st Session, p. 365.

452 *The Register and Leader* (Des Moines), October 13 and 17, 1902.

453 *The Register and Leader* (Des Moines), October 17 and November 11, 1902; letter from H. E. Deemer, dated November 10, 1902.

Again in 1908 Colonel Hepburn was mentioned as a suitable candidate to displace Speaker Cannon. The discussion was ended, however, by a statement from the Colonel that he had no desire to assume the burdens and responsibilities of the position. His failure to be elected to the Sixty-first Congress precluded any possibility of occupying the Speaker's chair.— *Creston Advertiser-Gazette,* April 2, 1908.

454 *The Register and Leader* (Des Moines), November 16, 1902, and November 8, 1903.

455 Colonel Hepburn's work in the Sixtieth Congress was not confined to revision of the rules. He tried to secure the enactment of laws regulating the liquor traffic, the trusts, injunctions, and immigration into Hawaii, promoting the efficiency of the Revenue Cutter Service, the Signal Corps, and the Marine Hospital Service, providing for a post office at Shenandoah, amending the Pension Act of 1907, and eliminating illegitimate speculation. Hepburn thought that the stock gamblers ''did more than any other class of men, through their influence with the banks of the cities,'' to cause the

financial panic of 1907. He estimated that 40,000,000 shares had been bought and sold on the New York Stock Exchange in 1906 and that the banks of the city had furnished $3,600,000,000 at very high interest rates to carry on these transactions. "If that is true," he said, "if this great proportion of the banking capital of New York was thus absorbed in illegitimate business, is it any wonder that later on when legitimate transactions were to be conducted, and men in ordinary business sought the banks for usual accommodations, that the banks were unable to supply their customers and that ordinary legitimate business languished?"—*Congressional Record,* 60th Congress, 1st Session, pp. 1498, 1499.

When President Roosevelt recommended Federal legislation to penalize stock gambling Hepburn introduced a bill on March 2, 1908, placing a tax of fifty cents "on each share of one hundred dollars of face value or fraction thereof" in the case of "all sales, agreements to sell or memoranda of sales or delivery or transfer of shares or certificates of stock".—*Congressional Record,* 60th Congress, 1st Session, p. 2785; *The Outlook,* Vol. LXXXVIII, pp. 570, 571; *New York World,* March 3, 1908.

The Hepburn bill raised a storm of protest in financial centers. "There is no question but what such a bill, if made into a law by Congress, would stop all speculation", wrote the editor of *The Financial World.* "It would close the New York Stock Exchange. It would choke up at once the only free market for our securities. It would dam up so effectually the sources of capital necessary for the development of our resources that new enterprises of large scope could not raise any money. It would cause a drop in real estate values in the Wall Street district, estimated at least $500,000,000. And finally, this very measure, which is intended to prohibit speculation instead of controlling persons who live by wits on other people's money, will fall most severely on innocent shareholders who, when they want to sell their securities, will find it difficult to find buyers for them." Another argument against the Hepburn bill was that a tax based on the face value of

shares would result in discrimination against all stocks selling below par. Although it was stated that the measure met the approval of the President, the Committee on Ways and Means to which it was referred never reported.— *The Financial World,* March 7, 1908; *New York World,* March 3, 1908.

[456] *The Sioux City Journal,* December 12 and 17, 1908.

[457] *Congressional Record,* 60th Congress, 2nd Session, pp. 274–277.

[458] *Congressional Record,* 60th Congress, 2nd Session, pp. 579–589, 599–605, 610, 2653.

[459] *The Sioux City Journal,* January 28 and February 9 and 10, 1909; *Congressional Record,* 60th Congress, 2nd Session, p. 605.

Another resolution signed by seven Representatives who refused to support the amendments offered by the main body of "insurgents" provided for "calendar Tuesday" only. A similar resolution proposing a "calendar Tuesday" had previously been introduced by Augustus P. Gardner on January 6, 1909.— *The Sioux City Journal,* February 10, 1909; *Congressional Record,* 60th Congress, 2nd Session, pp. 566, 605, 2116.

[460] *The New York Sun,* February 19, 1909; *Congressional Record,* 60th Congress, 2nd Session, pp. 2653–2655.

[461] "I think that there could be no more faulty system of legislation than that which proceeds by the log-rolling system that we denominate as 'unanimous consent' ", said Hepburn in the course of his remarks. Unanimous consent, he asserted, does not imply familiarity with a subject or even consent in a proper sense. It simply means that, inasmuch as most bills are passed by unanimous consent, no member cares to assume the odium of objection lest when his turn comes another member, "with a memory sharpened by disappointment, may rise to stick the javelin of 'I object!' into his little measure."— *Congressional Record,* 60th Congress, 2nd Session, p. 2654.

[462] In discussing the faults of the committee system Hepburn suggested that it was unwise to authorize standing com-

mittees to sit during the sessions of the House because the practice could prevent a quorum. Moreover, it gave an excuse for members not being present when important questions were being considered in the House. The Committee on Interstate and Foreign Commerce never asked consent to sit during the sessions of the House and did not make a practice of doing so. — *Congressional Record*, 60th Congress, 1st Session, p. 465.

Committees of conference, said Hepburn, on another occasion, were "constantly encroaching upon the prerogatives and rights of the House." He objected to the custom of referring bills that had been amended by the Senate to conference committees without discussion or recommendations. "How many times have things important to the House been surrendered by its conferees and the House placed in a position where it could not protect itself? I think it is time that something should be done; that the conference committees of the House should be given to understand their duties in this matter." He reminded the House that the conferees were members of the standing committee that had reported the bill originally. "If it is an amendment put on in the House, in almost every instance it is an amendment against the preference of the committee; and if they maintain the views of the House, they surrender their own. So it often happens that these gentlemen, beaten in the House, get their revenge by surrendering to the Senate amendments, often possibly securing their reenactment in order that they may agree to them."— *Congressional Record*, 57th Congress, 1st Session, p. 5695.

[463] *Congressional Record*, 60th Congress, 2nd Session, pp. 2655, 3567, 3568, 3572.

One reason for the failure of the "insurgents" in the Sixtieth Congress was a difference of opinion among themselves. Twenty-nine radicals, led by Hepburn, believed no modification of the rules would be salutary unless the Speaker was stripped of his power. The other group, consisting of those who introduced the resolution for "calendar Tuesday" only, simply wanted the rules relaxed so as to permit more freedom of initiative in calling up legislation for considera-

tion. Speaker Cannon reached an agreement with the second group which resulted in the Committee on Rules offering an amendment providing for "calendar Wednesday", which was adopted. Thus the plans of the radical "insurgents" were frustrated. On March 3rd the efforts of the twenty-nine "insurgents" were further discredited by a report from a special committee that the introduction of bills or resolutions by more than one member was "unauthorized".— *New York Evening Post,* February 22, 1909; *Congressional Record,* 60th Congress, 2nd Session, pp. 3808–3811.

CHAPTER XXX

464 "I find that every step of progress made in a state and nation, every law lifting humanity higher, every law bringing blessing to mankind, has been wrought out by partisans", declared Hepburn in 1915.— *Iowa House Journal,* 1915, pp. 825, 826.

465 To the advice and assistance of William P. Hepburn many a man may attribute his success in life. William Orr is one who, as a young man beginning his career, was enabled to surmount adversity by virtue of Colonel Hepburn's friendly aid. "I stand with memory flooded with recollections of words of advice, encouragement and cheer, spoken to me by you, as they have been spoken to many others in this audience, when life's path seemed neither very bright nor broad; of loving deeds done by you and your family when I went down in the dark valley beside the deep waters", said Mr. Orr on one occasion. The Colonel always delighted in helping worthy and earnest young people. During the years he was in Congress the influence he exerted in shaping the lives of a number of young men for whom he made an education available by means of government positions was scarcely less praiseworthy than his public deeds. Among the Hepburn papers there are many letters of appreciation for money loaned and favors bestowed.— *The Clarinda Herald,* October 13, 1905, and February 10, 1916; *The Clarinda Journal,* Feb-

ruary 17, 1916; letter from Margaret Hepburn Chamberlain to Benj. F. Shambaugh, dated August 25, 1917.

466 To those who were privileged to observe, the domestic life of Colonel Hepburn became an ideal. "Never was the unity, harmony, and the purity of the American home more beautifully exemplified than in the home life of Mr. Hepburn and his wife", said Horace M. Towner in 1916.—Letter from Margaret Hepburn Chamberlain to Benj. F. Shambaugh, dated August 25, 1917; *Congressional Record*, 64th Congress, 1st Session, p. 6044.

467 On February 24, 1909, the Committee on Interstate and Foreign Commerce met in honor of the retiring members—William P. Hepburn, James S. Sherman, and William H. Ryan. Charles E. Townsend, on behalf of the Committee, presented Colonel Hepburn with a chair, trusting that it would prove comfortable in the succeeding years. The men "who so happily served under you around this table", declared Townsend, "will always cherish your memory, and whenever time and circumstances shall make it possible for you to come here you will be a welcome guest—no, not a guest, but always the head of the family." Colonel Hepburn replied that his long service on the Committee had been made pleasant by the friendship of the members. He would leave his place with regret, he said, but he realized that he was growing old and confessed that he looked forward "to a period of repose with a great deal of gratification."—*Presentations to Retiring Members of the Committee on Interstate and Foreign Commerce*, February 24, 1909, in the Hepburn papers.

468 Letter to Margaret Hepburn Chamberlain, dated October 21, 1907; letter to R. H. Chamberlain, dated July 31, 1914; letter from Hepburn Chamberlain, dated May 25, 1914; letter from Margaret Hepburn Chamberlain to Benj. F. Shambaugh, dated August 25, 1917.

469 *Mount Ayr Record-News*, February 22, 1916; letter to Mrs. W. P. Hepburn, dated August 1, 1863.

470 Copy of a letter to J. N. Miller, dated December 7,

1909; clippings 67 and 223 in the Hepburn papers; letter to Hepburn Chamberlain, dated August 12, 1911.

[471] Letters from H. W. Wiley, dated July 13 and August 1, 1911; *The Review of Reviews,* Vol. XLIV, pp. 270, 393; *The Outlook,* Vol. XCVIII, p. 599.

[472] Copy of a letter from William P. Hepburn, dated January 28, 1910.

In order to secure party harmony in the campaign of 1910, Hepburn would have supported Dan W. Turner for Congress from the eighth district, which was "surely making some sacrifice".

[473] Prior to 1910 Hepburn thought that after Cummins secured a seat in the Senate prudence would dictate to him the wisdom of working for the unity of the party. After observing the Senator's conduct and reading some of his speeches, however, Hepburn concluded that "the field of his political ambition was not bounded by the meagre limits of Iowa", and that his purpose, like that of La Follette and Clapp, was to organize a new party in which they would be prominent.—Copy of a letter from William P. Hepburn, dated January 28, 1910.

[474] *The New International Year Book,* 1910, p. 382.

[475] *The Register and Leader* (Des Moines), August 3 and 4, 1910; *The Sioux City Journal,* August 4, 1910; *The Des Moines Capital,* August 4, 1910.

[476] Roosevelt's *The New Nationalism,* pp. 3–33; *The American Year Book,* 1910, p. 52, 1911, p. 68; letter to Thomas E. Powers, dated February 21, 1912.

Colonel Hepburn did not want a pure democracy substituted for the representative democracy in the United States. "The pretense for the change", he said, "lies in the claim that Representatives in the Legislatures and Congress, and other public servants do not perform their duty. The true remedy for that is to be found in frequent elections. If in the elections proper, selections are not made the fault is on the part

of the people who vote. If they make mistakes in the selection of men to represent them, will they not be much more likely to make mistakes when they undertake to enact a law, or directly to approve a law? If they make mistakes in the selection of a judge will they not be liable equally to make mistakes in the recall of a judge? If this system of recall should be inaugurated what decent man would accept office?''

''The failure of the more competent men to vote, is the great curse of our political system'', declared the Colonel. ''We have not had a presidential election in fifty years, in which if all of the voters had been present at the polls, a different result might not have happened. . . . The absenteeism is found in the more intelligent, the more virtuous citizens, and those that have the greatest interest at stake because of their property. . . . Rather than change our system of representative government, I would adopt some means by which all men entrusted with the voting power were compelled to vote both at the primary and at the election. This would be possible through the imposition of fines, or of temporary disfranchisement.''—Letter to Thomas E. Powers, February 21, 1912.

[477] Letter to Thomas E. Powers, dated February 21, 1912.

[478] Letter to John N. Miller, dated January 15, 1912; letter to Thomas E. Powers, dated February 21, 1912.

[479] *The Cedar Rapids Republican*, April 23 and 25, 1912; letter to Hepburn Chamberlain, dated April 29, 1912.

[480] Letter to Hepburn Chamberlain, dated June 25, 1912.

[481] Letter to E. P. Heizer, dated October 3, 1914.

[482] Colonel Hepburn delivered a number of public addresses after 1909, probably the most important of which was a speech to an association of railroad men in New York City. On August 25, 1910, he spoke to the old settlers of Johnson County, Iowa; he was one of the principal orators at the dedication of the Keokuk Dam on August 27, 1913; he addressed the pioneer law-makers of Iowa on March 11, 1915; and on July 8, 1915,

he delivered an address at Atlantic City on the subject of "Public Sentiment and Reform."— Letter from Margaret Hepburn Chamberlain to Benj. F. Shambaugh, dated September 23, 1917; *Proceedings of the Forty-fourth Annual Meeting of the Old Settler's Association of Johnson County, Iowa,* pp. 13–17; *The Burlington Hawk-Eye,* August 27, 1913; *Iowa House Journal,* 1915, pp. 825–827; letter from Howard H. Russell, dated June 30, 1915.

[483] Letter to Hepburn Chamberlain, dated July 8, 1910.

[484] *Journal of the Forty-first Annual Encampment, Department of Iowa, Grand Army of the Republic,* 1915, pp. 78, 159, 182–186.

William P. Hepburn was an influential member of the Grand Army of the Republic. In 1878 he helped to organize a G. A. R. post at Clarinda and acted as the commanding colonel at a soldiers' reunion at Clarinda on May 29, 30, and 31, 1878. In November, 1879, he was judge-advocate on the staff of H. E. Griswold, which escorted U. S. Grant across Iowa as he was returning from his trip around the world. Whenever it was possible Hepburn attended G. A. R. encampments. In 1887 he was a delegate to the Iowa encampment in Dubuque and received fourteen votes on the first ballot for department commander. In 1915 he was the alternate delegate-at-large from Iowa to the national G. A. R. encampment in Washington, D. C.— *History of Page County, Iowa* (Iowa Historical Company), pp. 526–528; *Journal of the Ninth Annual Session of the Department of Iowa, Grand Army of the Republic,* 1883, pp. 38, 40, 47, 50; *Journal of the Thirteenth Annual Encampment, Department of Iowa, Grand Army of the Republic,* 1887, pp. 23, 108.

[485] *The Sioux City Journal,* November 30, 1915, and February 8, 1916; *Tri-Weekly Sentinel-Post* (Shenandoah), February 9, 1916; *The Clarinda Herald,* February 10, 1916.

Colonel Hepburn was survived by his wife and two children — Margaret and Charles. His daughter Edith died on January 15, 1913. Mrs. Hepburn, now in her eighty-second year

(July, 1919), is living in Washington, D. C., with her daughter Margaret, the wife of R. H. Chamberlain. Charles Hepburn, who served in the Signal Corps during the Spanish-American War and was commissioned captain in the regular army in 1901, is now on the retired list.— Clipping 182 in the Hepburn papers; Heitman's *Historical Register and Dictionary of the United States Army,* 1889–1903, Vol. I, p. 525.

[486] *The Clarinda Journal,* February 17, 1916.

In 1907 Colonel Hepburn reserved two lots in Arlington Cemetery — number 1477 for himself and number 1480 for his son Charles.— Letter to George Ruhlen, dated February 16, 1907.

[487] *The Clarinda Journal,* February 17, 1916.

[488] *New York Tribune,* February 9, 1916.

"Iowa has had few men in national life so strong, so self-reliant and so aggressive as Colonel Hepburn," wrote the editor of the Des Moines *Register and Leader* in 1905. Whatever his faults may have been, "dissembling for the sake of currying favor" was not one of them. "I want to do what is right", he is reported to have declared. "I must live with myself the balance of my days and I want to be at peace with myself."— *The Register and Leader* (Des Moines), February 25, 1905; *The Clarinda Herald,* February 10, 1916.

[489] *The Clarinda Journal,* February 17, 1916.

[490] Resolutions of Warren Post, No. 11, G. A. R., on the death of Colonel W. P. Hepburn, signed by J. N. Miller, Henry Loranz, and H. F. Hitchcock, in the Hepburn papers.

[491] Resolutions of the Committee on Interstate and Foreign Commerce on the death of William P. Hepburn, signed by W. C. Adamson, in the Hepburn papers.

[492] Copy of a letter from James S. Clarkson to H. M. Towner, June 25, 1916; *Congressional Record,* 64th Congress, 1st Session, pp. 6043–6045.

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